



4353 East 49th Street, Cleveland, Ohio 44125  
Toll Free: (800) 321-0570 · International: (216) 883-8025  
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July 30<sup>th</sup>, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Brenda Whitney  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard, LR-8J  
Chicago, Illinois 60604

Re: Notice of Violation – Written Response  
Research Organics, Inc.  
EPA ID#: OHD046632717

Dear Ms. Whitney,

This document is Research Organics' written response to the Notice of Violation mailed on July 2<sup>nd</sup>, 2008. Immediate corrective action was taken to address the five items outlined in the notice of violation and the appropriate standard operating procedures were revised to reflect the changes for sustained compliance. Research Organics employees that are affected by the changes will be trained to the current revision of the procedure. This response shall provide the detailed corrective action taken by corresponding line item numbers in the notice of violation. The written corrective actions are supported by pictures or attached documentation to confirm that the actions have been completed.

1. Although the only personnel at Research Organics that use propane cylinders or aerosol paint cans on a daily basis are the Maintenance Mechanics and the satellite accumulations areas, for convenience, were located directly outside the Maintenance Building (at or near the point of generation and posing no RCRA hazard), the two 30-gallon plastic drums to accumulate used propane cylinders and aerosol cans were immediately relocated inside of the Maintenance Building, as requested. They are now positioned right next to the Maintenance Mechanics work station. The pictures below show the two satellite accumulation areas on the left hand side of the Maintenance Mechanics work station. This location is at or near the point of generation and it is under the control of the operator (Maintenance Mechanics). The standard operating procedure (SOP-WI-ENV-015 Hazardous Waste Container Weekly Inspection) used to inspect these locations has been revised to describe the two location changes. The revision history is reflected in Attachment 1 B01 (old document) and Attachment 2 minor revision B02 (new document).





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ORGANICS**  
ISO 9001:2000 CERTIFIED

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2. In order to comply with OAC 3745-52-34(A)(4); 3745-65-52(D) [40 CFR 262.34(a)(4); 265.52(d)] Research Organics immediately revised the Integrated Contingency Plan (SOP No. ENV-030) to include the incident commander's phone number and address. The information is located in Section 8.0 Exhibits, Records and Forms on page 21 of 94 in the ICP. A copy of the revised corrective action is located in Attachment 3 of this response. The entire document will be certified by a registered professional engineer reflecting the revision history G01.
3. In order to comply with OAC 3745-52-34(A)(4); 3745-65-52(E) [40 CFR 262.34(a)(4); 265.52(e)] Research Organics immediately revised the Integrated Contingency Plan (SOP No. ENV-030) to include the physical descriptions of each emergency response item and a brief outline of its capabilities. Exhibit 18 in Section 8.0 Exhibits, Records and Forms was revised to include the information mentioned above. Exhibit 18 is on page 79 of 94 in the ICP. A copy of the revised corrective action is located in Attachment 4 of this response. The entire document will be certified by a registered professional engineer reflecting the revision history G01.
4. In order to comply with OAC 3745-52-42(A)(2) [40 CFR 262.42(a)(2)] Research Organics established a work instruction ( WI-ENV-042 Hazardous Waste Document Preparation) outlining the







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responsibilities involved with the preparation and documentation involved with a hazardous waste shipment. All of the members of the Environmental & Safety Department have been trained on this procedure. The timeframes reflected on the manifests identified as not being signed by the designated receiving facility were 8/09/07 and 1/10/07 respectively. The Environmental & Safety Document and Data Clerk during this timeframe is no longer with the company. The Environmental & Safety Systems Manager during this timeframe is no longer with the company. Upon conclusion of the audit findings, an investigation was performed on the hazardous waste files to locate the pertinent documents. Manifest Tracking Number 000081026WAS (dated 8/09/07) was located in the correct file, but paper-clipped to Manifest Tracking Number 000081025WAS that was shipped the same day. A copy of the signed designated receiving facility manifest is located in Attachment 5 of this response. A copy of the signed designated receiving facility manifest for Tracking Number 0003511985 (dated 1/10/07) was located in the files for the calendar year 2006 manifests. A copy of the signed designated receiving facility manifest is located in Attachment 6 of this response. Research Organics training records for the current Stockroom Buyer and the Environmental & Safety Manager have been included in Attachment 7 of this response.

5. Having established compliance with the items listed above, Research Organics continues to remain exempt as an operator of a hazardous waste storage facility.

As stated in Research Organics Environmental, Health & Safety Policy, the company is committed to ensure that proactive and protective Environmental, Health & Safety practices are implemented company-wide in order to: Manufacture products that meet or exceed customers needs; Prevent pollution through waste minimization efforts; Eliminate occupational injuries and illness; Maintain compliance with all applicable statutory, regulatory, and ascribed requirements; Promote conditions that support continual improvement. Each employee at the company is trained in this culture and is held to this standard. The corrective actions referenced in this document are taken extremely seriously and have been incorporated into the systems in place to remain in compliance in the future.

Sincerely,

Robert Sternfeld  
President and CEO



# **ATTACHMENT 1**





## Hazardous Waste Satellite Accumulation Areas

### Molecular Biology – Location 45 lab Chemical Waste

Condition of Container-Good	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Clean Area	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Container(s) Closed	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
No Visible Cracks, Holes, Gaps on Container(s)	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Container(s) Properly Labeled	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Comments:			

### Maintenance Building – Location 52 Aerosol Can Collection (outside)

Condition of Container-Good	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Clean Area	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Container(s) Closed	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
No Visible Cracks, Holes, Gaps on Container(s)	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Container(s) Properly Labeled	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Comments:			

### Maintenance Building – Location 52 Propane Cylinders (outside)

Condition of Container-Good	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Clean Area	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Container(s) Closed	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
No Visible Cracks, Holes, Gaps on Container(s)	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Container(s) Properly Labeled	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Comments:			

### Quality Control – Location 56 Lab Chemical Waste (shelf)

Condition of Container-Good	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Clean Area	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Container(s) Closed	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
No Visible Cracks, Holes, Gaps on Container(s)	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Container(s) Properly Labeled	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NA
Comments:			

Hazardous Waste Container Weekly Inspection

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# **ATTACHMENT 2**





Molecular Biology – Location 45 lab Chemical Waste
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Condition of Container-Good	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Clean Area	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Container(s) Closed	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
No Visible Cracks, Holes, Gaps on Container(s)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Container(s) Properly Labeled	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Comments:	

Maintenance Building – Location 52 Aerosol Can Collection (Inside SE Wall)
--

Deleted: outside

Condition of Container-Good	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Clean Area	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Container(s) Closed	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
No Visible Cracks, Holes, Gaps on Container(s)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Container(s) Properly Labeled	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Comments:	

Maintenance Building – Location 52 Propane Cylinders (Inside SE Wall)
---

Deleted: outside

Condition of Container-Good	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Clean Area	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Container(s) Closed	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
No Visible Cracks, Holes, Gaps on Container(s)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Container(s) Properly Labeled	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Comments:	

Quality Control – Location 56 Lab Chemical Waste (shelf)
--

Condition of Container-Good	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Clean Area	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Container(s) Closed	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
No Visible Cracks, Holes, Gaps on Container(s)	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Container(s) Properly Labeled	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
Comments:	

Quality Control – Location 56 Metals Liquid (container)
---

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Hazardous Waste Container Weekly Inspection

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# **ATTACHMENT 3**





## IMPORTANT PHONE NUMBERS:

### FOR WEEKEND EMERGENCIES (or when contacts are not on site):

- You must press the **SPEED** Key on the phone and enter the full three digits to dial a speed dial phone number.
- A long distance code is not needed for phones marked as no access codes needed. For all other phones if the number being dialed states long distance, please press the star key and enter your long distance code.
- If the device is pager, who must press the speed dial button a second time and then enter your phone extension.

Speed Dial	Contact	Type	Device	Long Distance	Radio #
001	SHANE HRADILEK	Production	PAGER	NO	7
002	AMY MUTERE	Quality Systems	CELL	NO	NA
003	ANNIE HARLAN	Human Resources (Injury/Illness)	CELL	YES	3
004	ANNIE HARLAN	Human Resources (Injury/Illness)	OTHER	YES	3
006	DAN FLOWERS	Production	CELL	YES	NA
007	DAN FLOWERS	Production	OTHER	YES	NA
009	GLENN MILLER	Other	PAGER	NO	NA
010	LOU BOGDANY	Shipping	PAGER	NO	NA
011	LOU BOGDANY	Shipping	OTHER	YES	NA
012	ERIC TACKETT	Production	PAGER	NO	5
014	RANDY FORROR	Emergency	PAGER	NO	12
023	JOHN HART	Information Systems	OTHER	YES	NA
024	SHANE HRADILEK	Production	OTHER	YES	7
025	SHANE HRADILEK	Production	CELL	YES	7
026	ERIC TACKETT	Production	CELL	YES	5
027	ERIC TACKETT	Production	OTHER	YES	5

Emergency Numbers	Speed Dial	Phone Number
<b>Primary Emergency Number (Use Exhibit # 3)</b>	<b>911</b>	<b>911</b>
Poison Control Center	022	1-216-231-4455
Marymount Hospital	021	1-216-581-0500
Cuyahoga Heights Fire Department	020	1-216-641-1923
Cuyahoga Heights Police Department	019	1-216-883-6800
Infotrac® Chemical Information	NA	1-800-535-5053
Chemtron Corporation (Emergency Response Team)	NA	1-440-937-5950
Enviroserve J.V. (Emergency Response Team)	NA	1-800-642-1311

Incident Commander	Office	Home	Phone Numbers
Shane Hradilek	Research Organics, Inc.	Shane Hradilek	216-883-8025 ext.121 office
	4353 E. 49 <sup>th</sup> Street	275 Center Road	216-634-6003 pager
	Cuyahoga Heights, Ohio	Hinckley, Ohio	216-334-4015 cell
	44125	44233	330-278-3017 home



# **ATTACHMENT 4**





## Exhibit 18: Emergency Response Equipment (Example)

### A. PPE Kit Checklist (See Evacuation Map for Location):

Item:	Description of Use: Capabilities
Clear arm sleeves (3 pairs total) SAF 267	Covers the arms over the work uniform – Prevents chemicals/product from contaminating the uniform sleeves.
Nitrile gloves (3 boxes of each size: M,L,XL) SAF 282A, 282B, 282C	The puncture resistant, chemical resistant, 100% synthetic gloves are the initial hand protection for use in spill cleanup, product movement, etc.
Butyl Rubber gloves (3 pairs) SAF 262	The second layer of hand protection for use during corrosive chemical work.
4H Silver Shield gloves (3 pairs) SAF – Not Assigned	The second layer of hand protection for use during hot work environments.
Tyvek® suits (1 of each size: S, M, L, XL, 3XL. And 2 pair of 2XL) SAF- 265, 265A, 265B, 265C, 265D	White tyvek suits are to worn over the work uniform to prevent minor liquid and solid chemical contact with the work uniform.
Yellow Rubber booties (3 total in each kit) SAF – Not Assigned	Designed for over the shoe use in wet environments. Prevents liquids from contaminating the work shoe.
Basic goggles (3 total in each kit) SAF 332	Eye protection as singular use or combined with safety glasses. Prevents contamination from entering the eyes.
Face shields (1 to 2 total in each kit) SAF 315	Deters liquids from splashing into the eyes. For use during the pumping of liquids.
3M 2071 Respirator Particulate Filter (2 to 3 pairs total in each kit) SAF 398	Dust mask prevents small particulates from entering the nasal passage and mouth. For use in non-hazardous environments.
Neoprene aprons (3 total in each kit) SAF 280	Worn over the uniform to prevent liquids from contaminating the clothing. For use during corrosive chemical work.
Heavy Yellow or Orange Rubber Boots (1 of each size: S, M, L or 12, 13, 14, or 15) SAF – Not Assigned	Designed for primary safety shoe use in wet, chemical environments. Corrosive chemical resistant and water proof for production or spill cleanup applications.
Respirator Cartridges (3M Multi-Vapor Cartridge, 3 sets) SAF 249	Organic vapor respirator cartridge for use with a full face 3M 7800 series respirator. See manufacturer's specifications for chemical resistance.
North American Reference Guide Book (1 in each kit) SAF – Not Assigned	Emergency Response Guidebook organized by chemical name. It provides emergency response information for spill cleanup and



evacuation.
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**B. Spill Kit Checklist (See Evacuation Map for location):**

Item:	
Bag of Speed-E-Dry (Kitty Litter, Vermiculite, etc.)	Neutralizing media for liquids to contain the release and reduce the odor. Apply directly to the liquid, broom the material to absorb, and scoop the material into containers for disposal.
Absorbent Booms	Absorbent socks to contain liquid material in a given area. The booms are used to prevent liquids from entering drains, sewers, or any other opening.
Sorbents (Pads)	Square pads designed to absorb liquids. The pads will absorb petroleum based liquids, acids, and bases.
Solvent, Acid and Base Neutralizing Agents (Sodium Bicarbonate – 5 gallons)	Granular chemical designed to neutralize acid leaks, spills, etc. Apply in small doses until the material is neutralized.
Box of Rags	General purpose rags used for debris removal for general surfaces or machinery.
One Shovel	Spill cleanup shovel designed to scoop up chemical debris and place into appropriate containers for disposal.
Signs	Visual factory use in preventing traffic from a given area.

**C. Fire Extinguishers Checklist**

	Bldg.		Check OK			
Code	No.	Location	Yes	No	Comments	Type
F001	outside	Tank Farm - West Side of Dike				ABC
F002	outside	Tank Farm - East Side of Dike				ABC
F1001	10	Overhead Door - West End				CO2
F1002	10	South Side - 1/2 Way Down				ABC



# **ATTACHMENT 5**



<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number OH046632317		2. Page 1 of 2		3. Emergency Response Phone 800-326-1221		4. Manifest Tracking Number 000081026445			
		5. Generator's Name and Mailing Address RESEARCH ORGANICS INC. / CLANN MILLER 433 EAST 4TH STREET CLEVELAND, OH 44123 Generator's Phone: (216) 883-8023		Generator's Site Address (if different than mailing address) SAME GRN: 65749							
6. Transporter 1 Company Name HERITAGE TRANSPORT, LLC										U.S. EPA ID Number IND 058484114	
7. Transporter 2 Company Name		U.S. EPA ID Number									
8. Designated Facility Name and Site Address ARTS AND ENVIRONMENTAL SERVICES, LLC 7501 WEST MORRIS STREET INDIANAPOLIS, IN 46231 Facility's Phone: (317) 243-0811		U.S. EPA ID Number IND 093219012									
<b>GENERATOR</b>	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes				
			No.	Type							
	X	1. RQ. WASTE NITRIC ACID, 8, (5.1), UN2031, PGI (D011, D006), ERG#157	002	DF	00220	P		D002	D005	D006	
	X	2. RQ. WASTE MERCURY, 8, UN2809, PGIII (D009), ERG#173	001	DF	00005	P		D011	D008	D010	
	X	3. RQ. WASTE CORROSIVE LIQUIDS, N.O.S., 8, UN1760, PGII (MERCURY ACETATE, ACETIC ACID) ERG#154	001	DF	00005	P		D002	D004	D009	
		4. NON-DOT UNIVERSAL WASTE - MERCURY CONTAMINATED LAMPS 4' Bldgs	010	CF	00100	P		NONE			
14. Special Handling Instructions and Additional Information 2) WS 34, 1 x SDF 3) WS 29, 1 x SDF 4) WS 35, 10 x CF, 13600.											
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.											
Generator's/Officer's Printed/Typed Name: <u>Michael McCormick</u> Signature: <u>Michael McCormick</u> Month: <u>08</u> Day: <u>09</u> Year: <u>07</u>											
<b>TRANSPORTER</b>	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____										
	17. Transporter Acknowledgment of Receipt of Materials										
	Transporter 1 Printed/Typed Name: <u>Eric J. Klugman</u> Signature: <u>Eric J. Klugman</u> Month: <u>08</u> Day: <u>09</u> Year: <u>07</u>										
<b>SIGNATURE FACILITY</b>	18. Discrepancy										
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection										
	18b. Alternate Facility (or Generator) _____ U.S. EPA ID Number: _____										
18c. Signature of Alternate Facility (or Generator) _____ Month: _____ Day: _____ Year: _____											
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)											
<div style="display: flex; justify-content: space-between;"> <span>1. <u>H141</u></span> <span>2. <u>H141</u></span> <span>3. <u>H141</u></span> <span>4. <u>H141</u></span> </div>											
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a											
Printed/Typed Name: <u>Michael McCormick</u> Signature: <u>Michael McCormick</u> Month: <u>08</u> Day: <u>26</u> Year: <u>07</u>											





DESIGNATED FACILITY TO GENERATOR



# **ATTACHMENT 6**



<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number <b>UWD-046632717</b>	2. Page 1 of <b>1</b>	3. Emergency Response Phone <b>216-642-1311</b>	4. Manifest Tracking Number <b>000351985 JJK</b>	
5. Generator's Name and Mailing Address <b>RESEARCH ORGANICS 4355 EAST 49TH STREET CLEVELAND, OH 44125</b>			6. Generator's Site Address (if different than mailing address)			
Generator's Phone: <b>216 863-0025 MIKE MCCORMICK</b>						
8. Transporter 1 Company Name <b>ENVIRSERVE, J.V.</b>			U.S. EPA ID Number <b>OH0587090564</b>			
7. Transporter 2 Company Name			U.S. EPA ID Number			
9. Designated Facility Name and Site Address <b>MOSS INCINERATION SERVICES 36770 BILES ROAD GRAFTON OH 44044</b>			U.S. EPA ID Number <b>OH00048413665</b>			
Facility's Phone: <b>(800) 783-6555</b>						
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type	11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
	1.	<b>RD, WASTE FLAMMABLE LIQUID, N.O.S., (METHANOL, ISOPROPYL ALCOHOL), 3, UN1993, PGII, (D001, U154, F003, U002, U041, U004)</b>	00/ T	05000	B	D001, F003, U154, U002, U041, U004
	2.					
	3.					
	4.					
14. Special Handling Instructions and Additional Information <b>A: WPCN 62187, EPCN 128 (RD-1000)</b> <b>TANKER # 610</b> <b>28367 68 69 70 71</b>						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Offor's Printed/Typed Name <b>Michael McCormick</b>		Signature <b>Michael McCormick</b>		Month Day Year <b>01 10 07</b>		
TRANSPORTER INTL	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____					
	17. Transporter Acknowledgment of Receipt of Materials					
	Transporter 1 Printed/Typed Name <b>RALPH Duplaga</b>		Signature <b>Ralph Duplaga</b>		Month Day Year <b>01 10 07</b>	
DESIGNATED FACILITY	18. Discrepancy					
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection					
	Manifest Reference Number: _____					
	18b. Alternate Facility (or Generator) U.S. EPA ID Number					
	Facility's Phone: _____					
18c. Signature of Alternate Facility (or Generator)					Month Day Year	
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1. <b>H040</b>		2.		3.		4.
J. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name <b>JAMES E. SPARROW</b>		Signature <b>[Signature]</b>		Month Day Year <b>11 10 07</b>		



# **ATTACHMENT 7**





SOP #	Revision	Effective Date	Title	Trained	Trainer	Notes
ENV-033	A02	04/05/07	Job Hazard Analysis	11/6/2007	Glenn Miller	
ENV-033	A02	04/05/07	Job Hazard Analysis	11/15/2007	Glenn Miller	
ENV-034	A02	11/19/05	Regulatory Tracking and Analysis	8/24/2007	Glenn Miller	
ENV-036	B02	07/13/05	Processing By-product Shipments	8/24/2007	Glenn Miller	
ENV-040	B01	05/18/07	Facility Safety and Protection Procedure for Digging Operations	8/28/2007	Glenn Miller	
ENV-040	B01	05/18/07	Facility Safety and Protection Procedure for Digging Operations	5/5/2008	Glenn Miller	
ENV-040	A01	03/22/06	WI-ENV-040 Inspection of Hazardous Waste Pumps and Valves	8/24/2007	Glenn Miller	
ENV-041	A01	02/27/04	Control of Environmental & Safety Records	4/2/2008	John Kolesar	
ENV-041	A01	02/27/04	Control of Environmental & Safety Records	8/24/2007	Glenn Miller	
ENV-042	D01	08/16/07	Emergency Action & Fire Prevention Plan	8/21/2007	Glenn Miller	
ENV-042	B01	03/06/07	WI-ENV-042 Hazardous Waste Document Preparation	8/24/2007	Glenn Miller	
ENV-042	B01	03/06/07	WI-ENV-042 Hazardous Waste Document Preparation	8/21/2007	Glenn Miller	
ENV-043	A02	08/11/05	WI-ENV-043 Written Program Review	11/15/2007	Glenn Miller	
ENV-044	A01	08/12/04	WI-ENV-044 Using the Online E&S Incident Reporting Database	11/15/2007	Glenn Miller	
ENV-045	A01	09/17/05	Preparing Monthly and Annual Air Permit Documentation	8/21/2007	Glenn Miller	
ENV-046	A01	11/03/05	WI-ENV-046 Operation of the Drum Dumper	8/28/2007	Glenn Miller	
ENV-047	A01	01/29/06	Removing Liquid from Secondary Containment	8/21/2007	Glenn Miller	
ENV-048	A01	02/23/07	WI-ENV-048 Tracking Waste Shipments for Annual Reporting	8/24/2007	Glenn Miller	
ENV-049	A01	05/23/07	Cleaning Pipeline and Pump Used for Loading Tanker Trucks	11/15/2007	Glenn Miller	
Form	E03	08/23/06	Item Change Form	8/29/2007	Amy Mutere	
Form	C02	06/10/08	Company Goals and Departmental Goals	6/10/2008	Glenn Miller	
Form	C02	06/10/08	Company Goals and Departmental Goals	6/10/2008	Lou Bogdany	
Form	C01	11/30/07	Company Goals and Departmental Goals	12/6/2007	Glenn Miller	
GMP Annual Training	NA	05/06/08	Annual Training 2008	5/6/2008	Amy Mutere	



SOP #	Revision	Effective Date	Title	Trained	Trainer	Notes
ENV-005	B04	12/27/06	Documentation of Incidents, Injuries and Illnesses	11/7/2007	John Kolesar	
ENV-007	G01	06/21/07	Pest Management Program	11/7/2007	John Kolesar	
ENV-007	G01	06/21/07	Pest Management Program	3/19/2008	John Kolesar	
ENV-010	B02	01/27/06	Industrial Exposure Control Plan for Bloodborne Pathogens and other Infectious Materials	11/7/2007	John Kolesar	
ENV-020	B01	09/16/06	Fire Alarm and Suppression Systems Operations	11/7/2007	John Kolesar	
ENV-021	B02	08/18/07	WI-ENV-021 Hazardous Waste Tank Daily Inspection	3/17/2008	John Kolesar	
ENV-027	D01	03/03/06	Waste Handling Program	11/7/2007	John Kolesar	
ENV-030	F01	08/18/07	Integrated Contingency Plan (ICP)	11/7/2007	John Kolesar	
ENV-033	A02	04/05/07	Job Hazard Analysis	11/7/2007	John Kolesar	
ENV-040	B01	05/18/07	Facility Safety and Protection Procedure for Digging Operations	11/7/2007	John Kolesar	
ENV-041	A01	02/27/04	Control of Environmental & Safety Records	4/2/2008	John Kolesar	
ENV-042	D01	08/16/07	Emergency Action & Fire Prevention Plan	11/7/2007	John Kolesar	
ENV-042	B01	03/06/07	WI-ENV-042 Hazardous Waste Document Preparation	11/8/2007	John Kolesar	
ENV-047	A01	01/29/06	Removing Liquid from Secondary Containment	11/7/2007	John Kolesar	
Form	C02	06/10/08	Company Goals and Departmental Goals	6/16/2008	Dennis Kulpa	
Form	C01	11/30/07	Company Goals and Departmental Goals	12/12/2007	Amy Mutere	
Form	B03	12/15/06	Requisition Form	11/12/2007	James Schmalz	
GMP Annual Training	NA	05/05/08	Annual Training 2008	5/5/2008	Amy Mutere	
GMP Annual Training	NA	05/05/08	Annual Training 2008	5/5/2008	Amy Mutere	
GMP PowerPoint Presentation	NA	11/06/07	GMP PowerPoint Presentation	11/6/2007	Becca Taggiai	
GMP training video	NA	11/06/07	GMP - Why We Need It ; No Margin For Error Video	11/6/2007	Becca Traggiai	
IS OJT	NA	11/07/07	IS Network Overview	11/7/2007	acki Stromberg	
IS OJT	NA	11/07/07	Outlook 2003 Basics	11/7/2007	acki Stromberg	
IS OJT	NA	11/07/07	Submitting an IS Work Order through RONE	11/7/2007	acki Stromberg	





Land and Chemicals Division  
RCRA Branch  
Inspection Letter Signoff

Type of Document:

- ☐ Notice of Violation and Inspection Report/Checklist  
☐ No Violation Letter and Inspection Report/Checklist  
☐ Letter of Acknowledgment  
☐ Information Request  
☒ Return to Compliance

Facility Name:

Research Organics

Location:

4353 East 49<sup>th</sup> Street  
Cleveland, Ohio 44125

EPA Id:

OHD046632717

Assigned Staff:

Brenda Whitney

Phone: 312-353-4796

Name	Signature	Date
<b>Author</b> Brenda Whitney	<i>Brenda Whitney</i>	8/14/08
<b>Regional Counsel</b>		
<b>Section Chief</b> Paul Little	<i>PL</i>	8-14-08
<b>Branch Chief</b> Willie Harris	<i>Willie H. Harris</i>	8/15/08

**Directions/Request for Clerical Support:**

After the Section Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
  - One copy for the assigned staff;
  - One copy for the section file; and
  - One copy for the official file; Note: original inspection report goes into file room.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.

*Once the certified mail receipt is returned:*

5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7<sup>th</sup> floor RCRA file room.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 19 2008

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

LR-8J

Robert Sternfeld  
President and CEO  
Research Organics  
4353 East 49<sup>th</sup> Street  
Cleveland, Ohio 44125

Re: Research Organics  
EPA I.D. No.: OHD046632717

Dear Mr. Sternfeld:

On May 15, 2008, representatives of the U.S. Environmental Protection Agency and of the Ohio Environmental Protection Agency inspected Research Organics, located in Cleveland, Ohio. In response to violations of the Ohio Administrative Code and the United States Code of Federal Regulations identified during the inspection, a Notice of Violation was issued to you on July 2, 2008. Subsequent to the Notice of Violation, you submitted written information regarding the identified violations in correspondence dated July 30, 2008.

This letter is to inform you that EPA has reviewed the referenced response and does not plan additional enforcement action at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA and the OEPA will continue to evaluate your facility in the future.

If you have any questions or concerns regarding this matter, please contact Brenda Whitney, of my staff, at 312-353-4796.

Sincerely,

A handwritten signature in black ink, reading "Willie H. Harris".

Willie H. Harris, P.E.  
Chief, RCRA Branch  
Land and Chemicals Division

cc: Kris Coder – OEPA, NEDO





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CHICAGO, IL 60604 - LR-8J  
ATTN: BRENDA WHITNEY

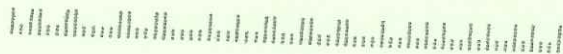
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443808



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert Sternfeld, President and CEO  
Research Organics  
4353 East 49th Street  
Cleveland, Ohio 44125

2. Article Number  
(Transfer from service label)**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

B. F. Johnson

8/22/08

C. Signature

X B. F. Johnson

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

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Land and Chemicals Division  
RCRA Branch  
Inspection Letter Signoff

Type of Document: ☒ Notice of Violation and Inspection Report/Checklist

☐ No Violation Letter and Inspection Report/Checklist

☐ Letter of Acknowledgment

☐ Information Request

☐ Return to Compliance

Facility Name: Research Organics, Inc.

Location: 4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125

EPA Id: OHD046632717

Assigned Staff: Brenda Whitney

Phone: 312-353-4796

Name	Signature	Date
<b>Author</b> Brenda Whitney	<i>Brenda Whitney</i>	6/30/08
<b>Regional Counsel</b> Stephen Thorn	<i>Stephen Thorn</i>	6/30/08
<b>Section Chief</b> Paul Little	<i>Paul Little</i>	6-30-08
<b>Branch Chief</b> Willie Harris	<i>Willie Harris</i>	7-2-08

**Directions/Request for Clerical Support:**

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1. Date stamp the cover letter;
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*Once the certified mail receipt is returned:*

5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7<sup>th</sup> floor RCRA file room.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LR-8J

JUL 02 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Glenn Miller  
Materials/Environmental and Safety Director  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125

Re: Notice of Violation  
Research Organics, Inc.  
EPA ID #: OHD046632717

Dear Mr. Miller:

On May 15, 2008, a representative of the U. S. Environmental Protection Agency inspected the Research Organics, Inc. ("Research Organics" or "facility") facility located in Cuyahoga Heights, Ohio. The purpose of the inspection was to evaluate Research Organic's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the generation, treatment and storage of hazardous waste. Please find enclosed a copy of the inspection report and checklists for your reference.

Based on information provided by Research Organics personnel, a review of records, and physical observations made by the inspector at the time of the investigation, EPA has determined that Research Organics is engaged in the storage of hazardous waste without a permit, and is in violation of certain requirements of the Ohio Administrative Code (OAC) and United States Code of Federal Regulations (CFR). To be eligible for the exemption from having a hazardous waste storage permit, Research Organics must be in compliance with the conditions of OAC 3745-52-34(A) and (C) [40 CFR § 262.34(a) and (c)]. We find that Research Organics is in noncompliance with the following conditions for a storage permit exemption and is in violation of the following requirements:

1. In order to avoid the need for a hazardous waste storage permit, a large quantity generator of hazardous waste who accumulates hazardous waste in containers must mark those containers with the date that waste began accumulating therein. See, OAC 3745-52-34(A)(2) [40 CFR § 262.34(a)(2)].

At the time of the inspection, Research Organics was accumulating used propane tanks and aerosol cans in two 55-gallon plastic drums outside behind Building 7, which houses the maintenance shop. These containers were not satellite containers as they were neither at or near the point of generation, nor under the control of the operator. The drums were not marked with their respective accumulation start dates. Research Organics, therefore, failed to comply with the above-mentioned condition for a hazardous waste storage permit exemption.

2. In order to avoid the need for a hazardous waste storage permit, a large quantity generator of hazardous waste must have a contingency plan for the facility. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date. See, OAC 3745-52-34(A)(4); 3745-65-52(D) [40 CFR §§ 262.34(a)(4); 265.52(d)]. This condition is also a requirement of owners and operators of hazardous waste treatment, storage, and disposal facilities under OAC 3745-54-52(D) [40 CFR § 264.52(d)].

At the time of the inspection, Research Organics listed Shane Hradilek as the facility emergency coordinator. Mr. Hradilek's phone number and address (office and home) were not listed. Research Organics, therefore, failed to comply with the above-mentioned condition for a hazardous waste storage permit exemption and violated the above-mentioned hazardous waste treatment, storage, and disposal facility contingency plan requirement.

3. In order to avoid the need for a hazardous waste storage permit, a large quantity generator of hazardous waste must have a contingency plan for the facility. The plan must include a list of emergency equipment at the facility. The list must include the location and a physical description of each item and a brief outline of its capabilities. See, OAC 3745-52-34(A)(4); 3745-65-52(E) [40 CFR §§ 262.34(a)(4); 265.52(e)]. This condition is also a requirement of owners and operators of hazardous waste treatment, storage, and disposal facilities under OAC 3745-54-52(E) [40 CFR § 264.52(e)].

At the time of the inspection, Research Organics listed the emergency equipment that was in place at the facility. The list, however, did not include physical descriptions of each item or a brief outline of its capabilities. Research Organics, therefore, failed to comply with the above-mentioned condition for a hazardous waste storage permit exemption and violated the above-mentioned hazardous waste treatment, storage, and disposal facility contingency plan requirement.

4. It is a requirement of OAC 3745-52-42(A)(2) [40 CFR § 262.42(a)(2)] that a large quantity generator of hazardous waste, who uses a manifest to ship hazardous waste to an off-site treatment, storage, or disposal facility, must submit an Exception Report to the EPA Regional Administrator if the generator has not received a copy of that manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

At the time of the inspection, Research Organics had the generator copy of two manifests that were signed only by the generator and the initial transporter, but not by the designated receiving facility. The manifests that were missing the receiving facility signatures were 000081026WAS (dated 8/09/07) and 000351988JJJ (dated 1/10/07). Research Organics, therefore, violated the above-mentioned manifest requirement.


5. A large quantity generator that accumulates hazardous waste on-site for 90 days or less and who does not meet the conditions for a permit exemption of OAC rules 3745-52-34(A)-(C) [40 CFR § 262.34(a)-(c)], is an operator of a hazardous waste storage facility, and is required to obtain an Ohio hazardous waste storage permit. See, OAC rules 3745-52-34(A), 3745-50-41(A), 3745-50-45(A) [40 CFR §§ 270.1(c); 270.10(a), (d); 270.13].

On failing to comply with the condition for a permit exemption referenced in items 1-3, above, Research Organics' failure to apply for and obtain a hazardous waste storage permit violated the permitting requirements of OAC rules 3745-52-34(A), 3745-50-41(A), and 3745-50-45(A) [40 CFR §§ 270.1(c); 270.10(a), (d); 270.13].

At this time, EPA is not requiring Research Organics to apply for a storage permit so long as Research Organics immediately establishes compliance with the conditions for an exemption outlined above. Under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928, EPA may issue an order assessing a civil penalty for any past or current violation and requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above conditions and requirements.

You should submit your response to Brenda Whitney, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604. If you have any questions regarding this letter, please contact Ms. Whitney of my staff at (312) 353-4796.

Sincerely,

  
for Willie H. Harris, P.E.  
Chief, RCRA Branch  
Land and Chemicals Division

Enclosure

cc: Kris Coder, OEPA - NEDO





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

**Compliance Evaluation Inspection Report**

**Date of Inspection:** May 15, 2008

**Facility Name:** Research Organics, Inc.

**Facility Address:** 4353 East 49th Street  
Cuyahoga Heights, Ohio 44125

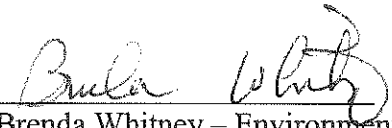
**EPA RCRA ID Number:** OHD046632717

**Generator Status:** Large Quantity Generator

**Facility Contact:** Glenn Miller - Materials/Environmental and Safety Director

**U.S. EPA RCRA Inspector:** Brenda Whitney - Environmental Engineer  
Compliance Section 2  
RCRA Branch  
Land and Chemicals Division

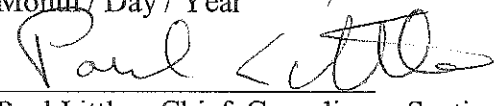
**Prepared By:**

  
Brenda Whitney – Environmental Engineer

**Date Completed:**

JUNE 3, 2008  
Month / Day / Year

**Accepted By:**

  
Paul Little – Chief, Compliance Section 2

**Date Accepted:**

6/4/08  
Month / Day / Year

## **Purpose of Inspection**

An unannounced EPA-lead Compliance Evaluation Inspection (CEI) of Research Organics, Inc. ("Research Organics" or "Facility") located at 4353 East 49th Street in Cuyahoga Heights, Ohio, took place on May 15, 2008. This CEI was an evaluation of Research Organics' compliance with the RCRA hazardous waste regulations codified at the authorized Ohio Administrative Code and the Code of Federal Regulations. I conducted a Large Quantity Generator inspection. The following people were present for part or all of this inspection:

Glenn Miller - Materials/Environmental and Safety Director	Research Organics
John Kolesar - Environmental and Safety manager	Research Organics
Kris Coder - Environmental Specialist	OEPA
Brenda Whitney - Environmental Engineer	EPA

Ms. Whitney and Mr. Coder displayed official credentials and identification to the Facility personnel upon arrival. During an introductory briefing, the purpose and logistics of the inspection were delineated and permission for the inspectors to take photographs in the plants was granted by Mr. Miller.

## **Site Description**

The following information about Research Organics is based on the personal observations of the EPA inspector and on representations made during the inspection by the Facility personnel identified above or within the text.

Research Organics is an independent family-owned Facility. Several buildings make up the Facility, which is a total of 75,000 ft<sup>2</sup> in size. The number of people employed at the Facility is 74 and they work one extended shift five days a week.

The main products created at Research Organics are biological buffers and diagnostic chemicals for the pharmaceuticals industry. Alcohol is used as the solvent in their processes. The alcohol is placed in a reactor. After reactions with other components specific to the desired end product, the material is piped to a glycol-jacketed chilling unit where the solids drop out of solution. The remaining liquid is spun out and categorized as recoverable alcohol or as a hazardous waste. The solids, after they are spun out, are moist and must be dried. The dry product is then sifted and packed.

The liquid waste streams are segregated into a recoverable alcohol product or a hazardous waste based on the product that is made. The recoverable alcohol is further split into two categories: the purest material is sold as a comparable fuel, whereas the less pure material (e.g. containing acetic acid) is transported to biological wastewater treatment facilities that use it as a buffer for bacterial denitrification.

Materials that cannot be segregated for reuse are deemed a hazardous waste and are sent to the 12,500-gallon hazardous waste storage tank that resides in an outdoor tank farm. Small quantities of waste are generated in two Quality Control labs in Buildings 2 and 6, as well as in the Molecular Biology lab in Building 10. The maintenance area in Building 7 also generates hazardous waste. The Facility manages three areas as 90-day hazardous waste accumulation areas. The first 90-day hazardous waste accumulation area ("HWAA-1") is normally located in Room 112 directly across from the Quality Control lab in Room 108 in Building 2. At the time of this inspection, however, HWAA-1 was located inside Room 108 because Room 112 was undergoing general construction and containment upgrades. The second 90-day hazardous waste accumulation area ("HWAA-2") is located near the shipping and receiving docks in Building 3. The third 90-day area is hazardous waste tank number 4 ("HWT 4").

Waste water generated at the Facility is discharged to the Northeast Ohio Sewer District under a categorical discharge permit. Elementary neutralization of the water, which has a pH of approximately 4, is performed in batch loads and no other treatment is conducted.

### **Site Tour**

The tour began in Building 1 where the process reactors are located. The reactors are near duplications of one another. Depending on the specific product being made, the general processes are the same but the temperatures, pressures, and specific constituents vary. Liquid waste from each process is transferred to the appropriate storage tank by the operator who connects a flexible hose to a hard-piped transfer system. The hose that an operator will use to connect to the hazardous waste tank has a different connector (double-cam) on it so that the operator cannot mistakenly mix hazardous waste with the recoverable alcohol products. Each tank has an automatic cutoff system for when it reaches 95% of capacity. Also, flashing lights in the production area give visual warning to the operators as to when each tank is reaching capacity.

The Quality Control lab in Building 2 was doubling as HWAA-1. Several containers of hazardous waste were accumulating in this room. One 55-gallon drum was designated as a satellite accumulation container for the lab, though was managed as a 90-day container. The drum was closed, labeled as "Hazardous Waste," and dated from 5/12/08. A 20-gallon poly container collecting spent phosphoric acid was also in the area. The container was closed and labeled as "Hazardous Waste." The used acid is sometimes used in the scrubber system that is attached to HWT 4. When the acid is not needed, the container is back-dated from the day that it was first generated. A written log is kept in the lab that tracks the amounts of waste that are discarded in each satellite container, so that when necessary, the start date of accumulation can be easily located after the hazardous waste determination has been made.

Three containers in HWAA-1 were in 90-day accumulation status. One 55-gallon drum of ignitable solvents was closed, labeled as "Hazardous Waste," and was marked with an accumulation start date of 4/14/08. This waste, which is created in lab-sized batch trials identical to Facility processes, will be sucked out of the drum and shipped off-site with the waste that accumulates in the hazardous waste tank. Two five-gallon buckets in the area containing methylene chloride and brominated materials will be disposed of via lab pack because they are

halogenated. The first bucket was closed, labeled as "Hazardous Waste," and dated from 3/06/08. The second bucket was closed, labeled as "Hazardous Waste," and dated from 3/28/08.

In the hallway immediately outside of rooms 108 and 112, two 5-gallon buckets of used oil were accumulating. Both buckets were labeled as "Used Oil," and were in good condition. The carbon dioxide suppression system for the Facility was also located in this vicinity.

Outside, between Buildings 2 and 3, is the Facility tank farm as well as a spill retention area. The spill retention area is an above-ground concrete containment area with walls that are 4.5 feet high. Though the exact capacity of the enclosure was not known at the time of the inspection, the area could hold a catastrophic spill from the reactors inside Building 1. A spill would follow trench drains in the Facility to a pit. Ordinarily, waste water collecting in this pit would be piped to the neutralization unit before discharge. In the event of a hazardous materials or hazardous waste spill, however, a diverter valve can be used to reroute the spill material from the pit to the retention area outside. From there, the spill can be vacuumed out by a tanker truck.

The Facility tank farm holds eight tanks, of which tanks 1 and 2 hold methanol and tank 3 holds 2-propanol. Four tanks are reserved for recoverable alcohol. Tank 5 stores alcohol for comparable fuel, and tanks 6, 9 and 10 store alcohol designated for biological waste water treatment. The eighth tank is HWT 4.

Secondary containment for HWT 4 consists of a concrete external liner with a 4.5-foot walled perimeter and 4-foot high concrete separation walls between each tank (Appendix A: Picture 1). Because the interior walls are shorter than the perimeter wall, a catastrophic failure of a tank in a rainstorm will allow the material to flow over the tops of the interior walls into the neighboring containment. The entire containment area, which includes containment for tanks 1 through 6, holds 110% of the volume of all tanks combined. Cracks in the concrete have been filled with chemically resistant stops and the entire containment is seal coated. HWT 4 was labeled as "Hazardous Waste" and appeared to be in good condition. Equipment associated with the tank, such as a sampling port and valves, are labeled in an alpha-numeric coding system.

Building 3 is south of the tank farm. This building is used mostly for shipping, receiving, storage; and it also houses HWAA-2 in a fenced enclosure in the southeast corner. Hazardous, non-hazardous, and universal wastes are kept in this area. A shipment of waste was scheduled to occur within the week. Two pallets of hazardous waste in containers such as cardboard drums, 30-gallon poly drums, and 20-gallon carboys had been prepared for shipment. Also, several small containers, such as bottles and 2- and 5-gallon buckets were to be lab-packed. Each item on the pallets was labeled as "Hazardous Waste" and was closed. Each item was dated with a start date of accumulation with the earliest date having been 2/20/08, or 85 days up through the date of the inspection. The non-hazardous waste and universal waste are also collected and shipped off within 90 days with the hazardous waste. Two square buckets of batteries were closed, labeled as "Batteries," and dated from 2/28/08. No other universal waste was accumulating in the area at that time.

On the north side of Buildings 1 and 2 is a 1500-gallon poly tank marked as "Hazardous Waste." Mr. Miller stated that the tank does not store hazardous waste but rather is the batch treatment elementary neutralization tank for the waste water generated at the Facility.

Building 8, east of Building 2, is a very small building used for a specific product line called Bis Tris. Mr. Kolesar stated that hazardous waste was not generated from that process. Building 10, east of Building 8, is a storage warehouse for raw materials. No hazardous waste was in this building.

The maintenance area in Building 7 is south and west of Building 10. Three 30-gallon poly drums were staged outside of a shed on the east side of the building (Appendix A: Picture 2). The drums were each covered and labeled as "Hazardous Waste." The drums were also labeled as "Spray Cans Aerosol," "Propane," and "Batteries," respectively. The containers were not dated with start dates of accumulation. Inside the maintenance area, a partswasher, under a product reuse program with Crystal Clean, was in use. The solvent used in the washer contains petroleum distillates and has a flash point between 106 and 140°F. Two five-gallon buckets labeled as "VP 5" and "Hazardous Waste" were also in the area. Both were empty at the time of the inspection. The buckets will be used to collect vacuum pump samples.

Building 6 lies to the south of Building 10. A Quality Control laboratory generates hazardous waste in this building. The wastes are collected in bottles and small containers that are individually labeled as "Hazardous Waste" and closed (Appendix A: Picture 3). The containers are all held in the same satellite accumulation area immediately outside of the lab. Six containers were in the area at the time of the inspection, with the largest being a 5-gallon carboy. The bottles and small containers will be lab packed at the time of shipment.

The shipping department is located in Building 9, which also houses a Molecular Biology lab. The lab had two satellite accumulation areas. Approximately 20 bottles of hazardous waste were stored in a plastic tub (Appendix A: Picture 4). The individual containers were closed, and the tub was marked with the words "Hazardous Waste." A 2.5-gallon bucket containing spent ethidium bromide waste was also in the area. The bucket was closed and labeled as "Hazardous waste." Halogenated wastes are always collected separately at the Facility. On the counter in the lab, a small brown cardboard box was being used to hold small bottles of waste (Appendix A: Picture 5). Each bottle was closed and the box was labeled as "Hazardous Waste." Each hazardous waste container in the lab will be lab packed at the time of shipment.

End of Tour

### **Records and Emergency Preparedness Review**

**Preparedness and Prevention:** The Facility is equipped with internal paging, emergency paging and company alarm systems. There are manual pull stations for emergencies located in Buildings 1, 2, 3, 7, 9 and 10. Building 2 is equipped with a carbon dioxide suppression system. Arrangements have been made with the following authorities: Marymount Hospital; Cuyahoga Heights Fire Department; Cuyahoga Heights Police Department; Chemtron Corporation (Emergency Response Team); and Enviroserve J.V. (Emergency Response Team). Aisle space throughout the Facility was adequate. In the HWAA-2, the labels on some hazardous waste containers were difficult to read, as all of the containers were squeezed onto two pallets.

Contingency Plan: The last revision for the plan was effective on 8/18/07. The plan outlines the measures that are to be taken in the event of emergencies, and it defines peoples' roles in such emergencies. The emergency coordinator (incident commander) for the Facility is identified in the plan as Shane Hradilek, who is a Production Supervisor. No alternate coordinator is given. Mr. Hradilek's home phone number and address are not listed. Notifications that must be given in the event of an emergency are detailed. Emergency response equipment is listed in checklist form for each building. The locations of the equipment are shown on the evacuation maps in the plan. Descriptions of the items and brief outlines of their capabilities were not included. Evacuation procedures, signals and routes are included for each building in the Facility except Building 6.

Training: Training records are kept for each employee in an on-line database. The training is performed in-house. The trainers have been trained internally as well. Annual training is given to all personnel whose job descriptions include the management of hazardous waste. Mr. Hradilek, the emergency coordinator, was last trained in the waste handling program on 8/17/07. Contingency plan training was offered on 9/14/07. Other training sessions that are given to hazardous waste personnel include container inspections, tank inspections, hazardous pump and valve tracking, hazardous waste document preparation and confined space training. Job descriptions complete with names, qualifications, and training requirements are outlined in the contingency plan.

Manifests: Hazardous waste manifests are kept at the Facility for at least 3 years. The waste from HWT 4 is shipped off-site approximately once a week. Containerized wastes are shipped off-site regularly within 90 days. The vendors who receive Research Organic's wastes are Systech Environmental Corporation (OHD005048947); Greencastle WDF (IND006419212)); Chemtron (OHD066060809); Veolia (ILD088841424); Ross Incineration Services (OHD048415665); Von Roll America, Inc. (OHD980613541) and Heritage Environmental Services (IND093219012). The manifests were complete with the exception of manifest numbers 000081026WAS - dated 8/9/07, and 000351988JJK - dated 1/10/07, which had not been signed by the TSDF. LDRs were attached where applicable.

Inspections: Tank inspections are conducted every operating day. The inspection logs revealed that inspections were not held on 3/08/08, 3/09/08, and 3/23/08. These dates fell on a Saturday and two Sundays. Mr. Kolesar confirmed that the Facility was not in operation on those days. Inspections of container storage areas are performed on a weekly basis. The areas inspected include storage areas in Room 112, or HWAA-1 (Room 108 was written on the forms when the storage moved into that lab) and in Building 3, or HWAA-2. Inspections of satellite accumulation areas in the Molecular and Quality Control labs were also documented. The inspector also checks the emergency equipment, universal waste, and used oil. The inspections are performed by at least six different people who have all had specific training as to how to conduct the inspections and fill in the logs.

Waste Determinations: On 3/26/08, Research Organics certified that their processes have not changed and that all of their wastes which had been profiled in the past using generator knowledge have also not changed. Mr. Miller explained that every waste is known because every material put into the process is known. Intermediates and by-products are

also known. Anything that is newly created is profiled. Every waste has a profile backed by MSDS forms and other generator knowledge.

Waste Minimization Plan: The waste generated from this plant has decreased significantly due to a Supplemental Environmental Project (SEP) that was undertaken by the Facility in response to an EPA enforcement action. The SEP involved separating recoverable alcohol from the hazardous waste stream to be used in biological wastewater treatment applications. Recently, Research Organics has undertaken the challenge of separating a more pure recoverable alcohol from their hazardous waste stream to be sold as a comparable fuel. The quantity of hazardous waste generated at the Facility has been greatly reduced due to these two mechanisms.

Tank Assessment: The tank was assessed by a qualified, registered Professional Engineer on June 19, 2001, but was installed on August 26, 1998. The time lag between the installation and the certification was considered a violation during an EPA inspection of the Facility on August 22, 2001, and was accounted for in an enforcement action resulting from that inspection.

Secondary Containment: The secondary containment external liner was installed in July, 2000. The containment was installed with chemical resistant water stops and an impermeable coating. The ancillary equipment also was installed with secondary containment in July, 2000. Cracks in the secondary containment were filled with chemical resistant fillers at that time as well. Sensing probes for liquids and vapors provide leak detection in the secondary containment in the form of audible alarms.

Subpart BB: The hazardous waste generated at the Facility has an organic concentration greater than 10% by weight. The equipment associated with the hazardous waste unit is in contact with the organic waste for more than 300 hours per year. The individual pieces of equipment are marked in a distinct fashion and each piece is identified in a schematic and list format. The regulated equipment includes pumps, valves, an open-ended line, and connectors. No significant leaks have been detected since Research Organics began their BB program. Monitoring valves is now done on a quarterly basis because a leak has not been detected in more than two successive months. Monitoring of pumps is performed monthly. No valves or pumps have been designated as not having detectable emissions. The open-ended line is a sample port from HWT 4. The line has a ball valve that is locked in the closed position and tagged when not in use. No significant leaks have been detected from other connectors in the system.

Subpart CC: All containers of hazardous waste having an average volatile organics concentration greater than 500ppm were closed at the time of the inspection. The HWT is a Level 1 tank that is vented under negative pressure to a serial scrubber system for acids and volatile organics and has 92% control efficiency and 95% capture efficiency. The maximum organic vapor pressure has been determined by measurement to be approximately 1.3psia at average temperature and 1.68psia at maximum temperature. Annual inspections have been performed on the scrubber system.

Comparable Fuels: On March 14, 2007, Research Organics provided notice to OEPA claiming and certifying to the exclusion. The notification contained all required elements including the certification statement. The burner of the fuel is PPG Industries Ohio, Inc. ("PPG"). PPG provided public notice of the burning in a major newspaper on March 25, 2007, and also submitted a Burner Certification Letter and Legal Notice for Comparable Fuel on March 29, 2007. The material will be burned at PPG in a hazardous waste incinerator that is subject to Subpart O of part 264 and CAA MACT standards. Research Organics does not blend to meet the viscosity specification, nor do they treat or dilute to meet the exclusion specifications. The waste analysis plan is a written operating procedure. The plan includes information regarding the use of process knowledge and chemical analyses, including test methods, in determining the applicability of the exclusion. Research Organics maintains all records prescribed in the waste analysis plan that pertain to sampling, sample analysis, and the analytical results.

### Closing Conference

The following items were discussed with Research Organics personnel at the close of the inspection:

- The final copy of two manifests (000081026WAS and 000351988JJK) did not include signatures from the TSDF.
- Aisle space in HWAA-2 was somewhat restricted and limited the visibility of labels on the containers.
- Satellite accumulation of aerosol cans, propane bottles, and alkaline batteries behind Building 7 should be closer to their points of generation. Also, because the drums were side by side, the 55-gallon limit could be breached.
- More documentation may be needed to determine compliance with the comparable fuels exclusion.



## **Appendix A**

### **PHOTO LOG**

**Inspection Date:**  
May 15, 2008

**Facility Name, Address, and EPA ID #:**  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cleveland, Ohio 44125

**Inspector and Photographer:**  
Brenda Whitney  
Compliance Section 2  
RCRA Branch  
Land and Chemicals Division





**Picture 1** – The secondary containment for HWT 4 consisted of a concrete external liner. The cracks in the lining were filled with chemical resistant material and the entire liner was seal coated. The entire containment can hold 110% of the volume of all tanks six tanks that share the containment area. The interior walls are shorter than the perimeter, allowing a cascading effect in the event of catastrophic failure.



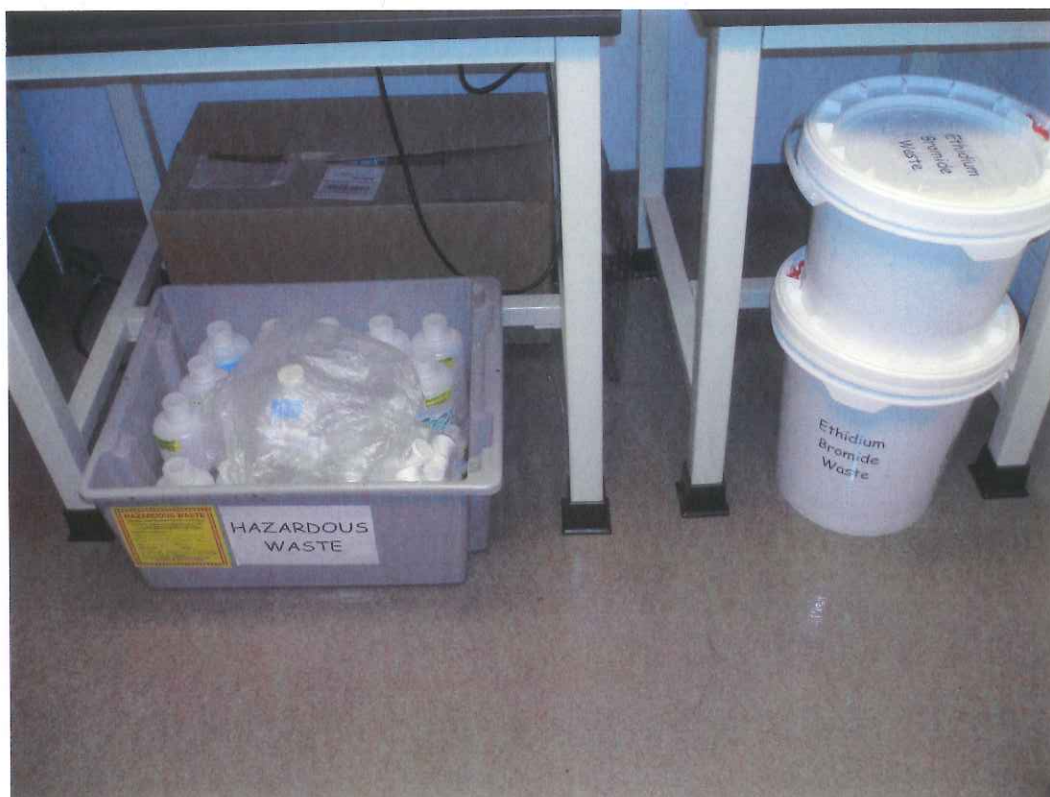
**Picture 2** – Three 30-gallon poly drums were located outside of Building 7 and were used as satellite accumulation areas for batteries, propane containers, and aerosol cans. The containers were closed and labeled as “Hazardous Waste,” but were not directly under the control of the operator.







**Picture 3** – Satellite containers of hazardous wastes were accumulating near the Quality Control lab in Building 6. The containers were all individually labeled as “Hazardous waste” and were closed at the time of the inspection.



**Picture 4** – Satellite accumulation containers in the Molecular Biology lab in Building 9 were not individually labeled, but were collectively held in a bin labeled as “Hazardous Waste.” Each container was closed. Two 2.5-gallon buckets of halogenated hazardous wastes were closed and labeled as “Hazardous Waste.”





**Picture 5** – A small box of waste materials was in this satellite accumulation area in the Molecular Biology lab in Building 9. The individual bottles were not labeled, but the box in which they were placed was labeled as “Hazardous Waste.” Each container was closed.





Research Organics

**LARGE QUANTITY GENERATOR REQUIREMENTS**  
**COMPLETE AND ATTACH A PROCESS DESCRIPTION SUMMARY**

CESQG:  $\leq 100$  Kg. (Approximately 25-30 gallons) of waste in a calendar month or  $< 1$  Kg. of acutely hazardous waste.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG:  $\geq 1,000$  Kg. (~300 gallons) of waste in a calendar month or  $\geq 1$  Kg. of acutely hazardous waste in a calendar month.

TE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

**GENERAL REQUIREMENTS**

- |   |     |                                     |    |                                     |     |                          |
|---|-----|-------------------------------------|----|-------------------------------------|-----|--------------------------|
| 1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11]  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |
| 2. Are records of waste determination being kept for at least 3 years? [3745-52-40(C)]  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |
| 3. Has the generator obtained a U.S. EPA identification number? [3745-52-12]  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |
| 4. Were annual reports filed with Ohio EPA on or before March 1 <sup>st</sup> ? [3745-52-41(A)]   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |
| 5. Are annual reports kept on file for at least 3 years? [3745-52-40(B)]  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |
| 6. Has the generator transported or caused to be transported hazardous waste to <b>other</b> than a facility authorized to manage the hazardous waste? [ORC 3734.02(F)]                                   | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| 7. Has the generator disposed of hazardous waste <b>on-site without a permit</b> or at another facility <b>other</b> than a facility authorized to dispose of the hazardous waste? [ORC 3734.02(E) & (F)] | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| 8. Does the generator accumulate hazardous waste?   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |

NOTE: If the LQG does not accumulate or treat hazardous waste, it is not subject to 52-34 standards. All other requirements still apply, e.g., annual reports, manifest, marking, record keeping, LDR, etc.

- |  |     |                          |    |                                     |     |                          |
|--|-----|--------------------------|----|-------------------------------------|-----|--------------------------|
| 9. Has the generator accumulated hazardous waste on-site in excess of 90 days without a permit or an extension from the director ORC §3734.02 (E) & (F)? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
|--|-----|--------------------------|----|-------------------------------------|-----|--------------------------|

NOTE: If F006 waste is generated and accumulated for  $> 90$  days and is recycled see 3745-52-34(G) & (H).

- |   |     |                          |    |                                     |     |                                     |
|---|-----|--------------------------|----|-------------------------------------|-----|-------------------------------------|
| 10. Does the generator treat hazardous waste in a:                  |     |                          |    |                                     |     |                                     |
| a. Container that meets 3745-66-70 to 3745-66-77?                   | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97 (C)? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| c. Drip pads that meet 3745-69-40 to 3745-69-45?                    | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| d. Containment building that meets 3745-256-100 to 3745-256-102?    | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |

NOTE: Complete appropriate checklist for each unit.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

- |   |     |                          |    |                                     |     |                                     |
|---|-----|--------------------------|----|-------------------------------------|-----|-------------------------------------|
| 11. Does the generator export hazardous waste? If so:   | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/>            |
| a. Has the generator notified U.S. EPA of export activity? [3745-52-53(A)]                                      | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| b. Has the generator complied with special manifest requirements? [3745-52-54]                                  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| c. For manifests that have not been returned to the generator: has an exception report been filed? [3745-52-55] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| d. Has an annual report been submitted to U.S. EPA? [3745-52-56]  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| e. Are export related documents being maintained on-site? [3745-52-57(A)]                                       | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |

**MANIFEST REQUIREMENTS**

- |  |     |                                     |    |                                     |     |                          |
|--|-----|-------------------------------------|----|-------------------------------------|-----|--------------------------|
| 12. Have all hazardous wastes shipped off-site been accompanied by a manifest? (U.S. EPA Form 8700-22) [3745-52-20(A)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |
| 13. Have items (1) through (20) of each manifest been completed? [3745-52-20(A)]                                       | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| 14. Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)]         | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/> |

NOTE: The generator may designate on the manifest one alternate facility to handle the waste in the event of an emergency which prevents the delivery of waste to the primary designated facility. [3745-52-20(C)].

- |   |     |                                     |    |                          |     |                                     |
|---|-----|-------------------------------------|----|--------------------------|-----|-------------------------------------|
| 15. If the transporter was unable to deliver a shipment of hazardous waste to the designated facility did the generator designate an alternate TSD facility or give the transporter instructions to return the waste? [3745-52-20(D)] | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| 16. Have the manifests been signed by the generator and initial transporter? [3745-52-23(A)(1) & (2)]   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |

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NOTE: Remind the generator that the certification statement they signed indicates: 1) they have properly prepared the shipment for transportation and 2) they have a program in place to reduce the volume and toxicity waste they generate.

17. If the generator did not receive a return copy of each completed manifest within 35 days of the waste being accepted by the transporter did the generator contact the transporter and/or TSD facility to check on the status of the waste? [3745-52-42(A)(1)] **MAY HAVE THE SIGNED MANIFESTS.** Yes ☐ No ☒ N/A ☐
18. If the generator has not received the manifest within 45 days, did the generator file an exception report with Ohio EPA? [3745-52-42(A)(2)] Yes ☐ No ☒ N/A ☐
19. Are signed copies of all manifests and any exception reports being retained for at least three years? [3745-52-40] **(what they have - yes)** Yes ☒ No ☐ N/A ☐

NOTE: Waste generated at one location and transported along a publicly accessible road for temporary consolidated storage or treatment on a contiguous property also owned by the same person is not considered "on-site" and manifesting and transporter requirements must be met. To transport "along" a public right-of-way the destination facility has to act as a transfer facility or have a permit because this is considered to be "off-site." For additional information see the definition of "on-site" in OAC rule 3745-50-10.

#### PERSONNEL TRAINING

20. Does the generator have a training program which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their positions? [3745-65-16(A)(2)] Yes ☒ No ☐ N/A ☐
21. Does the personnel training program, at a minimum, include instructions to ensure that facility personnel are able to respond effectively to emergencies involving hazardous waste by familiarizing them with emergency procedures, emergency equipment and emergency systems (where applicable)? [3745-65-16(A)(3)(a-f)] Yes ☒ No ☐ N/A ☐
22. Is the personnel training program directed by a person trained in hazardous waste management procedures? [3745-65-16(A)(2)] Yes ☒ No ☐ N/A ☐
23. Do new employees receive training within six months after the date of hire (or assignment to a new position)? [3745-65-16(B)] Yes ☒ No ☐ N/A ☐
24. Does the generator provide annual refresher training to employees? [3745-65-16(C)] Yes ☒ No ☐ N/A ☐
25. Does the generator keep records and documentation of:
- a. Job titles [3745-65-16D(1)]? Yes ☒ No ☐ N/A ☐
  - b. Job descriptions [3745-65-16D(2)]? Yes ☒ No ☐ N/A ☐
  - c. Type and amount of training given to each person [3745-65-16D(3)]? Yes ☒ No ☐ N/A ☐
  - d. Completed training or job experience required [3745-65-16D(4)]? Yes ☒ No ☐ N/A ☐
26. Are training records for current personnel kept until closure of the facility and are training records for former employees kept for at least three years from the date the employee last worked at the facility? [3745-65-16(E)] Yes ☒ No ☐ N/A ☐

NOTE: The following section can be used by the inspector to document that all personnel who are involved with hazardous waste management have been trained. The employees who need training (written and/or on-the-job) may include the following: environmental coordinators, drum handlers, emergency coordinators, personnel who conduct hazardous waste inspections, emergency response teams, personnel who prepare manifest, etc.

<u>Job Performed</u>	<u>Name of Employee</u>	<u>Date Trained</u>

#### CONTINGENCY PLAN

27. Does the owner/operator have a contingency plan to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste? [3745-65-51(A)] Yes ☒ No ☐ N/A ☐
28. Does the plan describe the following:
- a. Actions to be taken in response to fires, explosions or any unplanned release of hazardous waste [3745-65-52(A)]? Yes ☒ No ☐ N/A ☐
  - b. Arrangements with emergency authorities [3745-65-52(C)]. Yes ☒ No ☐ N/A ☐
  - c. A current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator? [3745-65-52(D)] Yes ☐ No ☒ N/A ☐
  - d. A list of all emergency equipment, including: location, a physical description and brief outline of capabilities? [3745-65-52(E)] Yes ☐ No ☒ N/A ☐

- e. An evacuation plan for facility personnel where there is possibility that evacuation may be necessary? [3745-65-52(F)] Yes ☒ No ☐ N/A ☐

NOTE: If the facility already has a "Spill Prevention, Control and Counter measures Plan" under CFR Part 112 or 40 CFR Part 1510, or some other emergency plan, the facility can amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with OAC requirements. [3745-65-52(B)]

- f. Is a copy of the plan (plus revisions) kept on-site and been given to all emergency authorities that may be requested to provide emergency services? [3745-65-53 (A) & (B)] Yes ☒ No ☐ N/A ☐
30. Has the generator revised the plan in response to rule changes, facility, equipment and personnel changes, or failure of the plan? [3745-65-54] Yes ☒ No ☐ N/A ☐
31. Is an emergency coordinator available at all times (on-site or on-call)? [3745-65-55] Yes ☒ No ☐ N/A ☐

NOTE: The emergency coordinator shall be thoroughly familiar with: (a) all aspects of the facility's contingency plan; (b) all operations and activities at the facility; (c) the location and characteristics of waste handled; (d) the location of all records within the facility; (e) facility layout; and (f) shall have the authority to commit the resources needed to implement provisions of the contingency plan.

### EMERGENCY PROCEDURES

32. Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents since the last inspection? If so: Yes ☐ No ☒ N/A ☐
- a. Was the contingency plan implemented? [3745-65-51(B)] Yes ☐ No ☐ N/A ☒
- b. Did the facility follow the emergency procedures in 3745-65-56(A) through (H)? Yes ☐ No ☐ N/A ☒
- c. Did the facility submit a report to the Director within 15 days of the incident as required by 3745-65-56(J)? Yes ☐ No ☐ N/A ☒

NOTE: OAC 3745-65-51(b) requires that the contingency plan be implemented immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents, which could threaten human health and the environment.

### PREPAREDNESS AND PREVENTION

33. Is the facility operated to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste? [3745-65-31] Yes ☒ No ☐ N/A ☐
34. Does the generator have the following equipment at the facility, if it is required due to actual hazards associated with the waste:
- a. Internal communications or alarm system? [3745-65-32(A)] Yes ☒ No ☐ N/A ☐
- b. Emergency communication device? [3745-65-32(B)] *Portable paging, Radios* Yes ☒ No ☐ N/A ☐
- c. Portable fire control, spill control and decon equipment? [3745-65-32(C)] Yes ☒ No ☐ N/A ☐
- d. Water of adequate volume/pressure per documentation or facility rep? [3745-65-32(D)] Yes ☒ No ☐ N/A ☐

NOTE: Verify that the equipment is listed in the contingency plan.

35. Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33] Yes ☒ No ☐ N/A ☐
36. Are emergency equipment tests (inspections) recorded in a log or summary? [3745-65-33] Yes ☒ No ☐ N/A ☐
37. Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (unless the device is not required under 3745-65-32)? [3745-65-34(A)] Yes ☒ No ☐ N/A ☐
38. If there is only one employee on the premises, is there immediate access to a device (ex.phone, hand held two-way radio) capable of summoning external emergency assistance? (Unless not required under 3745-65-32) [3745-65-34(B)] Yes ☐ No ☐ N/A ☒
39. Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35] *confined in Area 60* Yes ☒ No ☐ N/A ☐
40. Has the generator attempted to familiarize emergency authorities with possible hazards and facility layouts? [3745-65-37(A)] Yes ☒ No ☐ N/A ☐
41. Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)] Yes ☐ No ☐ N/A ☒

### SATELLITE ACCUMULATION AREA REQUIREMENTS

42. Does the generator ensure that satellite accumulation area(s):
- a. Are at or near a point of generation? [3745-52-34(C)(1)] Yes ☐ No ☒ N/A ☐
- b. Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)] Yes ☐ No ☒ N/A ☐
- c. Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)] Yes ☒ No ☐ N/A ☐

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- d. Do not exceed one quart of acutely hazardous waste at any one time? [3745-52-34(C)(1)] Yes ☐ No ☒ N/A ☒
- e. Containers are closed, in good condition and compatible with wastes stored in them? [3745-52-34(C)(1)(a)] Yes ☒ No ☐ N/A ☐
- f. Containers are marked with words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)] Yes ☒ No ☐ N/A ☐
43. Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so: Yes ☐ No ☒ N/A ☐
- a. Did the generator comply with 3745-52-34(A)(1) through (4) or other applicable generator requirements within three days? [3745-52-34(C)(2)] Yes ☐ No ☐ N/A ☒
- b. Did the generator mark the container(s) holding excess with the accumulation date when the 55 gallon (one quart) limit was exceeded? [3745-52-34(C)(2)] Yes ☐ No ☐ N/A ☒

**NOTE:** The satellite accumulation area is limited to 55 gallons of hazardous waste accumulated from a distinct point of generation in the process under the control of the operator of the process generating the waste (less than 1 quart for acute hazardous waste). There could be individual waste streams accumulated in an area from different points of generation.

#### USE AND MANAGEMENT OF CONTAINERS IN <90 DAY ACCUMULATION AREAS

44. Has the generator marked containers with the words "Hazardous Waste"? [3745-52-34(A)(3)] Yes ☒ No ☐ N/A ☐
45. Is the accumulation date on each container? [3745-52-34(A)(2)] Yes ☒ No ☐ N/A ☐
46. Are hazardous wastes stored in containers which are:
- a. Closed (except when adding/removing wastes)? [3745-66-73(A)] Yes ☒ No ☐ N/A ☐
- b. In good condition? [3745-66-71] Yes ☒ No ☐ N/A ☐
- c. Compatible with wastes stored in them? [3745-66-72] Yes ☒ No ☐ N/A ☐
- d. Handled in a manner which prevents rupture/leakage? [3745-66-73(B)] Yes ☒ No ☐ N/A ☐

**NOTE:** Record location on process summary sheets, photograph the area, and record on facility map.

47. Is the container accumulation areas(s) inspected weekly? [3745-66-74] Per ORC§1.44(A) Yes ☒ No ☐ N/A ☐  
"Week" means 7 consecutive days.
- a. Are inspections recorded in a log or summary? [3745-66-74] Yes ☒ No ☐ N/A ☐
48. Are containers of ignitable or reactive wastes located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] Yes ☒ No ☐ N/A ☐
49. Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)] Yes ☒ No ☐ N/A ☐  
*Separated by Space (on pallets too)*
50. If the generator places incompatible wastes, or incompatible wastes and materials in the same container, is it done in accordance with 3745-65-17(B)? [3745-66-77(A)] Yes ☐ No ☐ N/A ☒
51. If the generator places hazardous waste in an unwashed container that previously held an incompatible waste, is it done in accordance with 3745-65-17(B)? [3745-66-77(B)] Yes ☐ No ☐ N/A ☒

**NOTE:** OAC 3745-65-17(B) requires that the generator treat, store, or dispose of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials so that it does not create undesirable conditions or threaten human health or the environment.

52. If the generator has closed a <90 day accumulation area does the closure appear to have met the closure performance standard of 3745-66-11? [3745-52-34(A)(1)] Yes ☐ No ☐ N/A ☒  
*(will need to close Rm 108)*

**NOTE:** Please provide a description of the unit and documentation provided by the generator for the file to demonstrate that closure was completed in accordance with the closure performance standards. If the generator has closed a <90 day tank, closure must also be completed in accordance with OAC 3745-66-97 (except for paragraph C of this rule). [3745-52-34]

#### PRE-TRANSPORT REQUIREMENTS

53. Does the generator package/label its hazardous waste in accordance with the applicable DOT regulations? [3745-52-30, 3745-52-31 and 3745-52-32(A)] Yes ☒ No ☐ N/A ☐
54. Does each container <110 gallons have a completed hazardous waste label? [3745-52-32(B)] Yes ☒ No ☐ N/A ☐
55. Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33] Yes ☒ No ☐ N/A ☐

**LQG TANK SYSTEM REQUIREMENTS (OAC rule 3745-52-34(A) and OAC rules 3745-66-90 through 3745-66-100)**

(Please refer to the rules before or while completing this checklist.)

Is each tank clearly labeled/marked with the words "Hazardous Waste" [3745-52-34(A)(3)]? Yes ☒ No ☐ N/A ☐**LK SYSTEM - GENERAL OPERATING REQUIREMENTS**

2. Does the o/o follow the general operating requirements below:

- a. Does the o/o prevent placement of hazardous waste or treatment reagents in tank or secondary containment if such placement can cause the system to leak, rupture, corrode, or otherwise fail? [3745-66-94(A)] Yes ☒ No ☐ N/A ☐
- b. Does the o/o use appropriate controls to prevent spills or overflows from the system (e.g., check valves, dry disconnect couplings, high level alarms, etc.)? [3745-66-94(B)] Yes ☒ No ☐ N/A ☐
- c. If a leak or spill has occurred in the tank system, has the o/o complied with 3745-66-96? [3745-66-94(C)] Yes ☐ No ☐ N/A ☒

**TANK SYSTEM - INSPECTION REQUIREMENTS**

3. Has the o/o documented the inspections required in 3745-66-95, in the operating record, including inspection of the following:

- a. Spill control equipment each operating day? [3745-66-95(A)(1)] Yes ☒ No ☐ N/A ☐
- b. Above ground portion of tank each operating day? [3745-66-95(A)(2)] Yes ☒ No ☐ N/A ☐
- c. Data from leak detection equipment each operating day? [3745-66-95(A)(3)] *Don't do this* Yes ☐ No ☐ N/A ☒
- d. Construction materials and area immediately surrounding the tanks for signs of erosion or release of hazardous waste each operating day? [3745-66-95(A)(4)] Yes ☒ No ☐ N/A ☐

NOTE: "Each operating day" is each day that the tank system is being used to manage (store or treat) hazardous waste.

4. Where applicable, the cathodic protection system to confirm proper operation within six months of initial installation and annually thereafter? [3745-66-95(B)(1)] Yes ☐ No ☐ N/A ☒
5. Where applicable, all sources of impressed current at least bi-monthly? [3745-66-95(B)(2)] Yes ☐ No ☐ N/A ☒

**TANK SYSTEM CLOSURE REQUIREMENTS**

6. If the generator has closed a <90 day tank, was closure completed in accordance with OAC 3745-66-97 (except for paragraph C)? Yes ☐ No ☐ N/A ☒

**TANK SYSTEMS STORING IGNITABLE OR REACTIVE WASTES**

7. For tanks used to treat or store ignitable or reactive wastes, has the o/o complied with one of the following: [3745-66-98(A)] Yes ☒ No ☐ N/A ☐
- a. Is the waste treated immediately after placement in the tank so that the resultant mixture is no longer ignitable or reactive and the o/o has conducted such activities in compliance with 3745-66-17(B)? [3745-66-98(A); OR] Yes ☐ No ☒ N/A ☐
- b. Is the waste stored or treated to protect it from materials or conditions which may cause ignition or reaction? [3745-66-98(A)]; OR Yes ☒ No ☐ N/A ☐
- c. The tank is used solely for emergencies? [3745-66-98(A)] Yes ☐ No ☒ N/A ☐
8. If ignitable or reactive waste is stored or treated, are protective distances maintained between waste management areas and any public streets, alleys or adjoining property lines as required by the NFPA Flammable and Combustible Liquids Code (1996)? [3745-66-98(B)] Yes ☒ No ☐ N/A ☐
9. Has the o/o placed incompatible wastes or materials into the same tank system, or into a tank system that has not been decontaminated and which previously held an incompatible waste or material? [3745-66-99(A) and/or (B)] Yes ☐ No ☒ N/A ☐
- a. If so, have the requirements of 3745-65-17(B) been met? [3745-66-99(A) and/or (B)] Yes ☐ No ☐ N/A ☒

**TANK SYSTEM - WASTE ANALYSIS REQUIREMENTS**

10. In addition to conducting the waste analysis required by 3745-65-13, when the tank system is used to store or treat a waste which is substantially different or uses a substantially different process than previously used, has the o/o done one of the following: [3745-66-100] Yes ☐ No ☐ N/A ☒
- a. Conducted waste analysis and trial treatment or storage tests? [3745-66-100(A)]; OR Yes ☐ No ☐ N/A ☒
- b. Obtained written documentation on similar waste under similar operating conditions to show that the proposed storage/treatment will meet the requirements of OAC 3745-66-94? [3745-66-100(B)] Yes ☐ No ☐ N/A ☒

**TANK SYSTEMS REQUIREMENTS**

11. Is there a written assessment attesting that the design, installation and structural integrity of the system is adequate for the management of hazardous waste(s)? [3745-66-92(A)] Yes ☒ No ☐ N/A ☐
- IE: You should review the file to see if the written assessment has been previously reviewed and what the results were.

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12. Does the written assessment include the following:[3745-66-92(A)]

- |   |     |                                     |    |                          |     |                                     |
|---|-----|-------------------------------------|----|--------------------------|-----|-------------------------------------|
| a. Certification by an independent registered, professional engineer?[3745-66-92(A)]  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |
| b. Consideration of the design standards of the system?[3745-66-92(A)]  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |
| c. Consideration of the hazardous characteristics of the waste(s)?[3745-66-92(A)]   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |
| d. An evaluation by a corrosion expert (only if the external system/components are metal and in contact with soil or water)?[3745-66-92(A)]                                       | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| e. A determination of design and operational measures that will be needed to protect the tank system from potential damage (only for underground tank components)?[3745-66-92(A)] | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| f. Design considerations to ensure that the tank foundations will maintain the load of a full tank?[3745-66-92(A)]  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |
| g. Design considerations for anchoring the unit to prevent floatation (only for tanks situated in a seismic fault zone or saturated zone)?[3745-66-92(A)]                         | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| h. Design considerations to ensure that the tank system will withstand the effects of frost heave(only for underground tank systems)?[3745-66-92(A)]                              | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |

NOTE: CO-DHWM Engineering staff are available to assist you with evaluation of the written assessment.

13. Are there written statements by those persons who supervised installation or certified design of the new tank system, that the tank system was properly installed and designed and that required repairs were performed?[3745-66-92(G)]

Do the written statements address all of the following:

- |  |     |                                     |    |                          |     |                                     |
|--|-----|-------------------------------------|----|--------------------------|-----|-------------------------------------|
| a. Inspection for damage and/or inadequate construction and installation was conducted?[3745-66-92(B)]   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |
| b. Statement that deficiencies were corrected before the tank system was covered or put into use?[3745-66-92(B)]   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |
| c. Proper backfilling?[3745-66-92(C)]  | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| d. Tightness test; if the tank system was found not to be tight, does the statement indicate that proper repairs were made?[3745-66-92(D)] (pinhole leak in tank, fixed) | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |
| e. Proper support and protection of ancillary equipment?[3745-66-92(E)]  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/>            |
| f. Supervision of the installation of field fabricated corrosion protection?[3745-66-92(F)]  | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |

## SECONDARY CONTAINMENT

14. Has secondary containment been provided? Yes ☒ No ☐ N/A ☐

NOTE: All tank systems must have secondary containment at this point, except for tank systems that store/treat materials that become hazardous waste after January 12, 1987, must have secondary containment required within the time intervals in [3745-66-92(A)(1)] to (A)(4). The date the material became a hazardous waste must be used in place of January 12, 1987.[3745-66-92(A)(5)]

15. Is secondary containment one of the following:

- |  |     |                                     |    |                                     |     |                                     |
|--|-----|-------------------------------------|----|-------------------------------------|-----|-------------------------------------|
| a. An <b>External Liner</b> ? [3745-66-93(E)(1)] If so, <i>110</i>   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/>            |
| i. Is liner designed or operated to contain 100% of the capacity of the largest tank?  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/>            |
| ii. Is liner designed and operated to prevent run-on and infiltration <u>or</u> the collection system has <u>excess</u> capacity to contain run-on and infiltration from a 25-year, 24-hour storm? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/>            |
| iii. Is liner free of cracks and gaps? <i>filled in.</i>   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/>            |
| iv. Does liner completely surround the tank and cover all earth likely to be contacted by waste during a release?  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/>            |
| v. Are chemically resistant water stops in place at all points? ( <i>Epoxy Coating</i> concrete liners only)   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/>            |
| vi. Is there a compatible interior coating or lining to prevent migration of waste into the concrete? (concrete liners only)   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/>            |
| b. <b>Vault System</b> ? [3745-66-93(E)(2)] If so,   | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/>            |
| i. Is vault system designed to contain 100% of the capacity in the largest tank?   | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| ii. Is liner designed and operated to prevent run-on and infiltration <u>or</u> the collection system has <u>excess</u> capacity to contain run-on and infiltration from a 25-year, 24-hour storm? | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| iii. Are chemically resistant water stops in place at all points?  | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| iv. Is there a compatible interior coating to prevent migration into the concrete?   | Yes | <input type="checkbox"/>            | No | <input type="checkbox"/>            | N/A | <input type="checkbox"/>            |

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v. For **ignitable or reactive waste**: Is the vault system provided with means to prevent (or alternatively "protect against") the formation or ignition of vapors?

Yes ☐ No ☐ N/A ☒

vi. Is vault system provided with an exterior moisture barrier?

Yes ☐ No ☐ N/A ☒

2. **Double-Walled Tank?** [3745-66-93(E)(3)] If so,

Yes ☐ No ☒ N/A ☐

i. Is double-walled tank designed as an integral structure to contain any release from the inner tank?

Yes ☐ No ☐ N/A ☒

ii. If **metal**, are the primary tank interior and outer shell exterior surfaces protected from corrosion?

Yes ☐ No ☐ N/A ☒

iii. Is double-walled tank provided with a continuous leak detection system able to detect a release within 24 hours or at the earliest practicable time?

Yes ☐ No ☐ N/A ☒

d. **An Equivalent Device?** As described in 3745-66-93(D)(4) which has been approved by the director? [3745-66-93(D&E)]

Yes ☐ No ☐ N/A ☒

**SECONDARY CONTAINMENT DESIGN/OPERATION/INSTALLATION**

16. Has each secondary containment system been designed, installed and operated to prevent any migration of wastes or liquid to the soil, groundwater, or surface water and is it capable of detecting and collecting releases and accumulated liquids?[3745-66-93(B)(1) and (2)]

Yes ☒ No ☐ N/A ☐

17. Does the secondary containment system meet the following minimum requirements of [3745-66-93(C)]:

a. Constructed or lined with compatible materials of sufficient strength to prevent failure?[3745-66-93(C)(2)]

Yes ☒ No ☐ N/A ☐

b. Placed on a foundation or base capable of providing support?[3745-66-93(C)(2)]

Yes ☒ No ☐ N/A ☐

c. Provided with a leak detection system designed/operated to detect failure to primary or secondary containment or any release of hazardous waste within 24 hours or at earliest practicable time?[3745-66-93(C)(3)]

Yes ☒ No ☐ N/A ☐

d. Sloped or designed to drain and remove liquid resulting from leaks, spills or precipitation?[3745-66-93(C)(4)]

Yes ☐ No ☐ N/A ☒

e. Any liquid which accumulates in the containment unit resulting from spills, leaks or precipitation removed within 24 hours or in a timely manner?[3745-66-93(C)(4)] *per Mr. Miller*

Yes ☒ No ☐ N/A ☐

**ANCILLARY EQUIPMENT REQUIREMENTS**

18. Is ancillary equipment provided with secondary containment (such as double-walled piping, jacketing or a trench)? *outside*  
If not, is the ancillary equipment one of the following: [3745-66-93(F)] *Diverter valve inside of lab inside building for what goes to sewer.*

Yes ☒ No ☐ N/A ☐

a. Above ground piping (exclusive of flanges, joints, valves and connections) that is inspected daily? *YES if dripping, with fix.*

Yes ☒ No ☐ N/A ☐

b. Welded flanges, welded joints and/or welded connections that is inspected daily?

Yes ☐ No ☐ N/A ☒

c. Sealless or magnetic coupling pumps and/or sealless valves?

Yes ☐ No ☐ N/A ☒

d. Pressurized above ground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown and/or loss of pressure-actuated shut-off devices) that is inspected daily?

Yes ☐ No ☐ N/A ☒

**TANK SYSTEMS FOUND TO BE LEAKING OR UNFIT FOR USE**

19. Has there been a leak or spill from any tank system or has any tank system been found unfit for use? If so, did the o/o:

Yes ☐ No ☒ N/A ☐

NOTE: If the tank is found to be unfit for use, inspector should explain why.

a. Immediately cease flow of material into tank and investigate the cause of the release?[3745-66-96(A)]

Yes ☐ No ☐ N/A ☒

b. Remove waste from tank system to prevent further release within 24 hours of detection or earliest practicable time?[3745-66-96(B)(1)]

Yes ☐ No ☐ N/A ☒

c. Remove all material released into secondary containment system within 24 hours or as timely as possible to prevent harm to human health and the environment?[3745-66-96(B)(2)]

Yes ☐ No ☐ N/A ☒

d. For a visible release to the environment, immediately conduct a visual inspection of the release?[3745-66-96(C)]

Yes ☐ No ☐ N/A ☒

e. For a visible release to the environment, prevent further migration of the leak or spill to soils or surface waters?[3745-66-96(C)]

Yes ☐ No ☐ N/A ☒

f. For a visible release to the environment, properly dispose of any visibly contaminated soil or surface water? [3745-66-96(C)]

Yes ☐ No ☐ N/A ☒

g. Report any release to the environment to the director within 24 hours unless it was less than one pound and was cleaned up immediately? [3745-66-96(D)(1)]

Yes ☐ No ☐ N/A ☒

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- h. For a release to the environment, submit a written report of the incident to the director within 30 days of the release? [3745-66-96(D)(3)] Yes ☐ No ☐ N/A ☒
- i. Remediate the spill and repair the unit prior to returning it to service? [3745-66-96(E)(2)] Yes ☐ No ☐ N/A ☒
- j. For a release from a tank system without secondary containment, did the o/o provide secondary containment meeting the requirements of 3745-66-93 for the unit prior to putting it back into service? [3745-66-96(E)(4)] Yes ☐ No ☐ N/A ☐

NOTE: The requirements noted in 20.j. do not apply if the release was from an above ground component of the tank which can be inspected visually after being put back into service.

20. In the event that the repairs to the tank system were major (e.g., replacement of liner, repair of ruptured primary or secondary containment structure), did the o/o obtain a certification from an independent, registered P.E. attesting that the repaired unit is capable of handling hazardous waste? [3745-66-96(F)] Yes ☐ No ☐ N/A ☒
21. Was a copy of the certification submitted to the director within seven days after returning the system to use? [3745-66-96(F)] Yes ☐ No ☐ N/A ☒
22. If the o/o was unable to repair and return the unit to service as described in 20.a through 20.e, was the tank system closed in accordance with 3745-66-97? [3745-66-96(E)(1)] Yes ☐ No ☐ N/A ☒
23. Does the o/o have a tank system **with a variance from secondary containment** from which a release has occurred but has not migrated beyond the zone of engineering control? Yes ☐ No ☒ N/A ☒
- If so,
- a. Has the o/o complied with 3745-66-96(A) through (F) and decontaminated soils? [3745-66-93(G)(3)] Yes ☐ No ☐ N/A ☒
- b. If soils cannot be decontaminated/removed, has the o/o complied with 3745-66-97(B)? [3745-66-93(G)(3)] Yes ☐ No ☐ N/A ☒
24. Does the o/o have a tank system **with a variance from secondary containment** from which a release occurred and has migrated from the zone of engineering control? If so,
- a. Has the o/o complied with 3745-66-96(A) through (D), prevented migration, and decontaminated soil? [3745-66-93(G)(4)] Yes ☐ No ☐ N/A ☒
- b. If soils cannot be decontaminated/removed, or if the groundwater has been contaminated, has the o/o complied with 3745-66-97(B)? [3745-66-93(G)(4)] Yes ☐ No ☐ N/A ☒



**INTERIM STATUS FACILITIES ORGANIC AIR  
EMISSION STANDARDS FOR EQUIPMENT LEAKS - Subpart BB**

Facility's Name RESEARCH ORGANICS

Date 5/15/2008 ID# 04504663277

The use of the words "process vents" means process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction or air or steam stripping operations managing hazardous waste with organic concentrations of at least 10 ppmw (time weight annual average basis).

Note: Total Organic Emissions shall be abbreviated to TOE

Note: Equipment with closed-vent systems and control devices shall comply with the provisions of section 265.1033.

(rev. 7/3/96 - EAB-MDEQ)

NI - not inspected    N/A - not applicable

YES NO NI N/A

**APPLICABILITY (40 CFR 265.1050)**

1. If the equipment contains or contacts hazardous waste w/ organic concentrations of at least 10 percent by weight:	
a) Are the units subject to the permitting requirements of part 270? (265.1050(b)(1))	DAE <input checked="" type="checkbox"/> X *

OR

b) Are there hazardous waste recycling units located at the facility that are otherwise subject to the permitting requirements? (265.1050(b)(2))	DAE <input checked="" type="checkbox"/> *
--	---

\* If the answers to the above questions are no the following regulations do not apply.

**STANDARDS: PUMPS IN LIGHT LIQUID (40 CFR 265.1052)**

Note: Delays in repair are allowed see 265.1059 (#37)

Note: Did the owner/operator subject to the provisions of this subpart comply with the required test methods and procedures: (265.1063(b-1)) (#41)

2. Pump equipped w/ dual mechanical seal system that includes a barrier fluid system? If yes, its exempt from monthly monitoring (#5) and visual inspections (#6) if: (265.1052(d))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
a) Each dual mechanical seal system is:	
i) Operated with a barrier fluid with pressure greater than the pump stuffing box pressure. (265.1052(d)(1)(i))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A

OR

ii) Has a barrier fluid degassing reservoir connected by closed-loop to a control device. (265.1052(d)(1)(ii))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
--	---

OR

iii) System that purges the barrier fluid into a hazardous waste stream w/no detectable emissions? (265.1052(d)(1)(iii))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
b) Barrier fluid is not a hazardous waste w/ organic concentrations 10% or greater by weight. (265.1052(d)(2))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
c) Each barrier fluid system equipped w/ a sensor to detect failure of the seal/barrier fluid system. (265.1052(d)(3))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
d) Each calendar week pump has visual inspection for signs of liquids dripping from pump seals. (265.1052(d)(4))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
e) Each sensor is checked: (265.1052(d)(5)(i))	
i) Daily.	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A

OR

ii) Equipped with audible alarm that is checked monthly to see if working.	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
f) Owner/operator has determined a criteria indicating failure of the seal/barrier fluid system. (265.1052(d)(5)(ii))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
g) Indications of liquids dripping from pump seal/sensor means failure of seal/barrier fluid system & a leak has been detected: (265.1052(d)(6)(i))	
i) Was it repaired as soon as practicable but no later than 15 calendar days after detected? (265.1052(d)(6)(ii))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
ii) A first attempt at repair was made no later than 5 calendar days after leak is detected? (265.1052(d)(6)(iii))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
Is the pump designed as in 264.1064(g)(2) for no detectable emissions as indicated by an instrument reading of <500 ppm above background? Yes, pump exempt from monthly monitoring (#5), visual monitoring (#6), repairs (#7a & #7b) and barrier fluid system (#2) if: (265.1052(e))	<input checked="" type="checkbox"/> NI <input checked="" type="checkbox"/> N/A
a) It does not have an externally actuated shaft penetrating the pump housing. (265.1052(e)(1))	DAE <input type="checkbox"/> NI <input checked="" type="checkbox"/> N/A

		YES	NO	NI	N/A
b) It operates with no detectable emissions as indicated w/ emission reading of <500 ppm. (265.1052(e)(2))	DAE	<del>___</del>	<del>___</del>	NI	N/A
c) Is tested for compliance initially, annually and when requested by Regional Administrator. (265.1052(e)(3))	DAE	<del>___</del>	<del>___</del>	NI	N/A
4. Is the pump equipped with a closed-vent system capable of capturing and transporting any leakage from seal(s) to the control device? If yes, the pump is exempt from monthly monitoring (#5), visual monitoring (#6), repairs (#7a & #7b), barrier fluid system (#2) and no detectable emission (#3). (265.1052(f))	DAE	___	___	NI	N/A
5. Is each pump in light liquid service monitored monthly to detect leaks? (265.1052(a)(1))	DAE	<del>___</del>	<del>___</del>	NI	N/A
6. Does each pump in light liquid service have a visual inspection each calendar week for indications of liquid dripping? (265.1052(a)(2))	DAE	<del>___</del>	<del>___</del>	NI	N/A
7. Was an instrument reading of 10,000 ppm or greater measured or were there are any indications of liquids dripping from the pump seal? If yes, a leak is detected and:	DAE	___	<del>___</del>	NI	N/A
a) Was it repaired as soon as practicable but no later than 15 calendar days after detected? (265.1052(c)(1))	DAE	[ ]	___	NI	N/A
b) Was a first attempt at repair made no later than 5 calendar days after leak is detected? (265.1052(c)(2))	DAE	[ ]	___	NI	N/A

**STANDARDS: COMPRESSORS (40 CFR 265.1053)****N/A**

NOTE: Delays in repair are allowed see 265.1059 (#37)

8. Is the compressor designed as described in 265.1064(g)(2), for no detectable emissions indicated by instrument reading of <500 ppm above background? If yes the compressor is exempt from seal system and operation (#10-11), barrier fluid concentration (#12), barrier system sensor(#13-14), criteria for failure (#15), leak detection/repair (#16) and closed-vent (#9). (265.1053(i))	DAE	___	___	NI	N/A
9. Is the compressor equipped with a closed-vent system capable of capturing and transporting leakage from the seal(s) to a control device in compliance w/ 265.1060? If yes, the compressor is exempt from seal system (#10) and seal system operation (#11). (265.1053(h))	DAE	___	___	NI	N/A
10. Each compressor equipped w/ seal system that has barrier fluid system that prevents leakage of TOE? (265.1053(a))	DAE	[ ]	___	NI	N/A
11. Is each compressor seal system: (265.1053(b))					
a) Operated with the barriers fluid at a greater pressure than the stuffing box pressure? (265.1053(b)(1))	DAE	[ ]	___	NI	N/A

OR

b) Equipped with a barrier fluid system connected by a closed-vent system to a control device? (265.1053(b)(2))	DAE	[ ]	___	NI	N/A
---	-----	-----	-----	----	-----

OR

c) Equipped with a system that purges the barrier fluid system with no detectable emissions? (265.1053(b)(3))	DAE	[ ]	___	NI	N/A
12. Is the barrier fluid system a hazardous waste w/ an organic concentration of 10% or greater by weight? (265.1053(c))	DAE	___	[ ]	NI	N/A
13. Each barrier system equipped w/ a sensor to detect failure of the seal/barrier fluid system? (265.1053(d))	DAE	[ ]	___	NI	N/A
14. Is each barrier system sensor checked: (265.1053(e)(1))					
a) Daily?	DAE	[ ]	___	NI	N/A

OR

b) Equipped with audible alarm that is checked monthly to see if working?	DAE	[ ]	___	NI	N/A
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UNLESS

c) The compressor is located at an unmanned plant then is the sensor checked daily?	DAE	[ ]	___	NI	N/A
15. Has the owner/operator determined a criterion to indicate failure of the seal/barrier fluid system? (265.1053(e)(2))	DAE	[ ]	___	NI	N/A
16. Did the sensor indicates failure of the seal/barrier fluid system? If yes, a leak is detected and: (265.1053(f))	DAE	___	___	NI	N/A
a) Was it repaired as soon as practicable but no later than 15 calendar days after detected? (265.1052(g)(1))	DAE	[ ]	___	NI	N/A

	YES	NO	NI	N/A
b) Was a first attempt at repair was made no later than 5 calendar days after leak is detected? (265.1052(g)(2))			NI	N/A

**STANDARDS: PRESSURE RELIEF DEVICES IN GAS/VAPOR SERVICE (40 CFR 265.1054)**

NOTE: Delays in repair are allowed see 265.1059 (#37)

17. Is the pressure relief device equipped with a closed-vent system capable of capturing and transporting leakage to a control devices specified in 265.1060? If yes, the device is exempt from relief device monitored for no detectable emissions (#18), specifications to reset device and time frame (#19 & #20). (265.1054(c))	DAE		NI	N/A
18. Pressure relief devices in gas/vapor service operated w/ no detectable emissions indicated by an instrument reading of <500 ppm above background, except during pressure releases? (265.1054(a))	DAE		NI	N/A
19. After a pressure release, was the device returned to a condition of no detectable emissions indicated by an instrument reading of <500 ppm above background, as soon as practical but no later than 5 calendar days? (265.1054(b)(1))	DAE		NI	N/A
20. No later than 5 calendar days after a pressure release, is the pressure relief device monitored to confirm no detectable emissions indicated by an instrument reading of <500 ppm above background? (265.1054(b)(2))	DAE		NI	N/A

**STANDARDS: SAMPLING CONNECTING SYSTEMS (40 CFR 265.1055)**

21. Is the sampling system <i>in situ</i> ? If yes, the system isn't required to have closed-vent or closed-purge system (#22 & #23). (265.1055(c))	DAE		NI	N/A
22. Is each sampling connection system equipped with a closed-purge system or closed-vent system? (265.1055(a))	DAE		NI	N/A
23. Does each closed-purge or closed-vent system: (265.1055(b))				
a) Return purged hazardous waste stream directly to hazardous waste management process line w/ no detectable emissions? (265.1055(b)(1))	DAE		NI	N/A

OR

b) Collect and recycle the purged hazardous waste stream with no detectable emissions? (265.1055(b)(2))	DAE		NI	N/A
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OR

c) Designed/operated to capture/transport all purged hazardous waste stream to a control device? (265.1055(b)(3))	DAE		NI	N/A
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**STANDARDS: OPEN-ENDED VALVES OR LINES (40 CFR 265.1056)**

Note: Delays in repair are allowed see 265.1059 (#37)

Note: Did the owner/operator subject to the provisions of this subpart comply with the required test methods and procedures: (265.1063(b-1)) (#41)

24. Is each open-ended valve or line equipped with a cap, blind flange, plug or second valve? (265.1056(a)(1))	DAE		NI	N/A
25. Cap/blind flange/plug/second valve always seal open end except when waste must flow through? (265.1056(a)(2))	DAE		NI	N/A
26. If using a second valve, is the first valve closed before the second? (265.1056(b))	DAE		NI	N/A
27. If a double block and bleed system is used and the bleed line/valve stays open during venting, is the line between the block valves have cap/blind flange/plug/second valve and sealed at all other times? (265.1056(c))	DAE		NI	N/A

**STANDARDS: VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE (40 CFR 265.1057)**

Note: There are alternate standards for valves in gas/vapor or light liquid service where owners/operators may elect to have all valves within a hazardous waste management unit comply with alternative standards which: (1) allows no greater than 2% of the valves to leak. (265.1061(a-d) and (2) allows for skip period leak detection and repair. (265.1062(a-b))

Note: Delays in repair are allowed see 265.1059 (#37)

28. Valve designated as an unsafe-to-monitor valve as described in 265.1064(h)(1). If yes, the valve is exempt from monthly monitoring (#31) if: (265.1057(g))	DAE		X	NI	N/A
The owner/operator of the valve determines that the valve would be unsafe to monitor because monitoring personnel would be exposed to an immediate danger. (265.1057(g)(1))	DAE		NI	N/A	

wand sniffer.

		YES	NO	NI	N/A
b) The owner/operator of the valve adheres to a written plan that requires monitoring of the valve as often as possible during safe-to-monitor times. (265.1057(g)(2))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
29. Valve designated as a difficult to-monitor valve in 265.1064(h)(2). If yes, the valve is exempt from monthly monitoring (#31) if: (265.1057(h))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
a) The owner/operator of the valve determines the valve cannot be monitored without elevating personnel more than 2 meters above a support surface. (265.1057(h)(1))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) Hazardous waste management unit where valve is located was in operation before 6/21/90. (265.1057(h)(2))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
c) Follow written plan that requires monitoring of valve at least once per calendar year. (265.1057(h)(3))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
30. Valve designated for no detectable emissions, as indicated by instrument reading of <500 ppm above background, and described in 265.1064(g)(2). If yes, the valve is exempt from monthly monitoring (#31) if: (265.1057(f))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
a) It has no external actuating mechanism in contact with the hazardous waste streams. (265.1057(f)(1))	DAE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
b) It is operated with emissions <500 ppm above background. (265.1057(f)(2))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
c) It is tested for emissions initially and then annually. (265.1057(f)(3))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
31. Is each valve, other than unsafe or difficult-to-monitor or no detectable emissions (#28-30), in gas/vapor or light liquid service monitored monthly for leaks? (265.1057(a)) (exemptions 33 & 34)	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A

OR

32. Any valve for which a leak has not been detected for two successive months may be monitored the first month of every succeeding quarter, until a leak is detected? (265.1057(c)(1))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
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AND

33. If the monitoring was every quarter and a leak is detected was the monthly monitoring resumed until a leak was not detected for 2 consecutive months? (265.1057(c)(2))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
34. When a leak is detected, by an instrument reading of 10,000 ppm or greater: (265.1057(b)): (265.1057(d)(1))					
a) Was it repaired as soon as practicable but not later than 15 calendar days after detected? (265.1052(d)(1))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) Was a first attempt at repair made no later than 5 calendar days after leak is detected? (265.1052(d)(2))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
c) Was the first repair attempt include, but not limited to: (265.1057(e))					
i) Tightening of bonnet bolts?	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
ii) Replacement of bonnet bolts?	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
iii) Tightening of packing gland nuts?	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
iv) Injection of lubricant into lubricating packing?	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A

### STANDARDS: PUMPS AND VALVES IN HEAVY LIQUID SERVICE, PRESSURE RELIEF DEVICES IN LIGHT LIQUID OR HEAVY LIQUID SERVICE AND FLANGES AND OTHER CONNECTORS (40 CFR 265.1058)

NOTE: Delays in repair are allowed see 265.1059 (#37) NO FLANGES.

35. Are pumps and valves in heavy liquid service, pressure relief devices in light or heavy liquid service and flanges and other connectors monitored within 5 days if evidence of a potential leak is found by visual, audible, olfactory or other detection method? (265.1058(a))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
36. If a leak was detected, by an instrument reading of 10,000 ppm or greater: (265.1058(b))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
a) Was it repaired as soon as practicable but no later than 15 calendar days after detected? (265.1058(c)(1))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) Was a first attempt at repair was made no later than 5 calendar days after leak is detected? (265.1058(c)(2))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
c) Was the first repair attempt include, but not limited to: (265.1058(d))					
i) Tightening of bonnet bolts?	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A

at least  
3 years  
By  
Air  
Complete  
Testing  
8/21/07  
detected

no leak

Double  
CAM LOCK

		YES	NO	NI	N/A
ii) Replacement of bonnet bolts?	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
iii) Tightening of packing gland nuts?	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
iv) Injection of lubricant into lubricating packing?	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A

**STANDARDS: DELAY OF REPAIR (40 CFR 265.1059)**

37. Was there a delay in repair of equipment for which leaks have been detected? If yes, the delay is allowed if:	DAE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A
a) Was the repair technically infeasible without a shutdown of the hazardous waste management unit and did the repair occur before the end of the next shutdown? (265.1059(a))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) Was the equipment isolated from the hazardous waste management unit and the unit does not contain or contact hazardous waste with organic concentrations at least 10% by weight. (265.1059(b))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
38. Was there a delay in repair of a valve? If yes, the delay is allowed if:	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
a) Determine emissions from purged material from immediate repair are greater than emissions resulting from a delay of the repair. (265.1059(c)(1))		<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) When repaired, the purged material is collected and destroyed or recovered in a control device. (265.1059(c)(2))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
39. Was there a delay in repair of a pump? If yes, the delay will be allowed if:	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
a) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system. (265.1059(d)(1))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) Repair is completed as soon as practicable but within 6 months. (265.1059(d)(2))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
40. Was there a delay in repair of a valve beyond a hazardous waste management unit shutdown? If yes, the delay will be allowed until the next shutdown or longer if the shutdown is within 6 months if: (265.1059(e))	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
a) The valve assembly replacement is necessary during shutdown.	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) Valve assembly supplies have been depleted & supplies were sufficiently stocked before supplies were depleted.	DAE	<input type="checkbox"/>	<input type="checkbox"/>	NI	N/A

**TEST METHODS AND PROCEDURES (40 CFR 265.1063)**

41. Did the owner/operator subject to the provisions of this subpart comply with the required test methods and procedures: (265.1063(b-I))					
a) For leak detection monitoring? (265.1063(b))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) For 'no detectible' emissions determination? (265.1063(c))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
c) To determine if each piece of equipment contains or contacts a hazardous waste w/ organic concentrations $\geq 10\%$ by weight? (265.1063(d))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
d) To determine if pumps or valves are in light liquid service? (265.1063(h))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
e) To determine if the control device achieved 95 weight percent organic emissions? (265.1063(i))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
42. Were samples used to determine the percent organic content representative of the highest TOC hazardous waste that is expected to be contained in or contact the equipment? (265.1063(g))	DAE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NI	N/A

**RECORDKEEPING REQUIREMENTS (40 CFR 265.1064)**

Note: Owners/operators with more than one hazardous waste management unit, subject to these regulations, may use one recordkeeping system if each unit is identified.

43. Did the owners/operators record the following information in the operating record for each piece of equipment subject to Subpart BB? (265.1064(b))					
a) Equipment identification number and hazardous waste management unit identification? (265.1064(b)(1)(i))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A
b) Approx. location(s) of the equipment (e.g., identify unit on facility plot plan)? (265.1064(b)(1)(ii))	DAE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NI	N/A

		YES	NO	NI	N/A
c)	Type of equipment (eg: pump or pipeline valve)? (265.1064(b)(1)(iii))	DAE	<input checked="" type="checkbox"/>	NI	N/A
d)	Percent-by-weight total organics in the hazardous waste stream at the equipment? (265.1064(b)(1)(iv))	DAE	<input checked="" type="checkbox"/>	NI	N/A
e)	State of the hazardous waste at the equipment (eg: liquid or gas/vapor)? (265.1064(b)(1)(v))	DAE	<input checked="" type="checkbox"/>	NI	N/A
f)	Method of compliance w/ the standard (monthly leak detection/repair or equipped w/ dual mechanical seals?	DAE	<input checked="" type="checkbox"/>	NI	N/A
g)	Implementation schedule, if facility can't install a closed-vent system & control device in time?(265.1064(b)(2))	DAE	<input checked="" type="checkbox"/>	NI	N/A
h)	A performance test plan if the owner/operator chose to use test data to demonstrate the organic removal efficiency or total organic compound concentration by the control device? (265.1064(b)(3))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
i)	Include documentation of compliance with the closed-vent and control device standards? (265.1064(b)(4))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
j)	If a leak is detected?	DAE	<input checked="" type="checkbox"/>	NI	N/A
l) A weatherproof & readily visible identification attached to the leaking equipment and marked with: (265.1064(c)(1))					
a)	The equipment i.d. number?	DAE	<input checked="" type="checkbox"/>	NI	N/A
b)	Date evidence of a potential leak was found?	DAE	<input checked="" type="checkbox"/>	NI	N/A
c)	Date leak was detected?	DAE	<input checked="" type="checkbox"/>	NI	N/A

Note: The identification on equipment, except a valve, may be removed after repair. (265.1064(c)(2))

Note: The identification on a valve may be removed after being monitored for two successive months without leaks. (265.1064(c)(3))

ii) In an inspection log the following information? (265.1064(d))					
a)	Instrument, operator and equipment id number? (265.1064(d)(1))	DAE	<input checked="" type="checkbox"/>	NI	N/A
b)	Date evidence of a potential leak was found? (265.1064(d)(2))	DAE	<input checked="" type="checkbox"/>	NI	N/A
c)	Date leak was detected? (265.1064(d)(3))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
d)	Date of each attempt to repair the leak? (265.1064(d)(3))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
e)	Repair methods applied in each attempt to repair the leak? (265.1064(d)(4))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
f)	"Above 10,000" instrument readings? (265.1064(d)(5))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
g)	"Repair delayed" and the reason? (265.1064(d)(6))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
h)	Documentation supporting delay in valve repair? (265.1064(d)(7))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
i)	Signature of owner/operator whose decision it was not to repair until shutdown? (265.1064(d)(8))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
j)	If the repair is not done in 15 days the expected date of a successful repair? (265.1064(d)(9))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
k)	The date of successful repair of the leak? (265.1064(d)(10))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
iii)	Up-to-date design documentation, monitoring, operating, inspection information for closed-vent & control devices? (265.1064(e))	DAE	<input checked="" type="checkbox"/>	NI	N/A
iv)	Control device (other than thermal or catalytic vapor incinerator/flare/boiler/process heater/condenser/carbon adsorption system) have monitoring/inspection information indicating proper operation/maintenance of control device? (265.1064(f))	DAE	<input checked="" type="checkbox"/>	NI	N/A
v) The following information regarding the equipment recorded in a log: (265.1064(g))					
a)	List of identification numbers for the equipment subject to the requirements and equipment designated for no detectable emissions? (265.164(g)(1)&(2)(1))	DAE	<input checked="" type="checkbox"/>	NI	N/A
b)	The designation of the equipment signed by the owner/operator? (265.1064(g)(2)(ii))	DAE	<input checked="" type="checkbox"/>	NI	N/A
c)	List of identification numbers for pressure relief devices? (265.1064(g)(3))	DAE	<input type="checkbox"/>	NI	<input checked="" type="checkbox"/> N/A
d) For each compliance test:					
1)	Dates of each test? (265.1064(g)(4)(i))	DAE	<input checked="" type="checkbox"/>	NI	N/A
2)	Background level measured during each test? (265.1064(g)(4)(ii))	DAE	<input checked="" type="checkbox"/>	NI	N/A

		YES	NO	NI	N/A
3) The maximum instrument reading measured at the equipment during each test? (265.1064(g)(4)(iii))	DAE	<input checked="" type="checkbox"/>		NI	N/A
e) List of all identification numbers for equipment in vacuum service? (265.1064(g)(5))	DAE	<input type="checkbox"/>		NI	N/A
vi) A log with a list of identification numbers for the valves that are designated unsafe or difficult to monitor, an explanation stating why they are unsafe or difficult and the plan for monitoring? (265.1064(h)(1-2))	DAE	<input type="checkbox"/>		NI	N/A
vii) For valves in gas/vapor or light liquid service with alternative standards the operating record will record: (265.1064(i))					
a) A schedule of monitoring? (265.1064(i)(1))	DAE	<input checked="" type="checkbox"/>		NI	N/A
b) The percent of valves found leaking during each monitoring period? (265.1064(i)(2))	DAE	<input type="checkbox"/>		NI	N/A
viii) Is the following information shall be recorded in a log and kept in the operating record: (265.1064(j))					
a) Criteria for failure of seal system indicated by sensor used w/ light liquid service pumps? (265.1064(j)(1))	DAE	<input checked="" type="checkbox"/>		NI	N/A
b) Criteria for failure of seal system indicated by sensor used w/ compressors? (265.1064(j)(1))	DAE	<input type="checkbox"/>		NI	N/A
c) Any changes to these criteria and the reason for change? (265.1064(j)(2))	DAE	<input type="checkbox"/>		NI	N/A
ix) The following information kept in a log and used to determine exemptions for the hazardous waste management unit: (265.1064(k))					
a) An analysis determining the design capacity of the management unit? (265.1064(k))	DAE	<input checked="" type="checkbox"/>		NI	N/A
b) A statement listing the hazardous waste influent to and effluent from each unit and analysis determining whether the waste is a heavy liquid? (265.1064(k)(2))	DAE	<input checked="" type="checkbox"/>		NI	N/A
c) Up-to-date analysis/supporting data used to determine if equipment is subject to standards? (265.1064(k)(3))	DAE	<input checked="" type="checkbox"/>		NI	N/A
d) Documentation when knowledge of the hazardous waste stream or process is used? (265.1064(k)(3))	DAE	<input checked="" type="checkbox"/>		NI	N/A
e) Any new determinations if the owner/operator takes any action that could result in an increase of the organic content of the waste? (265.1064(k)(3))	DAE	<input checked="" type="checkbox"/>		NI	N/A
43. Are records of equipment leak information in 265.1064(d) and closed-vent and control device information in 265.1064(e) kept 3 years? (265.1064(1))					
	DAE	<input checked="" type="checkbox"/>		NI	N/A

Comments:





## Inspection Checklist for Subpart CC: Air Emission Standards (Containers)

Item # 40 CFR:

CC-1	265.1080	Do any of the following exclusions apply? If yes, please circle.	YES	NO
<p><b>Applicability:</b> The air emission requirements apply to units subject to subpart I * unless the following apply (circle if applicable):</p> <ol style="list-style-type: none"> <li>1. Waste was placed in unit prior to Oct. 6, 1996, and none has been added since.</li> <li>2. The container capacity is less than .1 cubic meter (26 gallons)</li> <li>3. A unit (e.g. tank) has stopped adding waste and is undergoing closure</li> <li>4. The unit is used solely for onsite treatment or storage as a result of remedial activities required under corrective action, Superfund, or other similar state program</li> <li>5. The unit is used solely to manage radioactive mixed waste</li> <li>6. The unit is regulated by and operates in accordance with Clean Air Act regulations</li> </ol> <p><b>*Note:</b> 1. Satellite containers are exempt 2. CESQG's and SQG's are exempt</p>				
CC-2	265.1083	Do any of the following exemptions apply? If yes, please circle	YES	NO
<p><b>General Standards:</b> The owner/operator must control air emissions from waste management units except the unit is exempt if (please circle if applicable):</p> <ol style="list-style-type: none"> <li>1. All hazardous waste entering the unit has an average VO concentration at the point of origination less than 500 parts per million by weight (waste determination required)</li> <li>2. The organic content of all waste entering the unit has been reduced by one of the 8 acceptable destruction or removal processes.</li> <li>3. The unit is a tank used for certain biological treatment</li> <li>4. The hazardous waste placed in the unit meets the LDR numerical concentration limits or has been treated using the specified LDR treatment technology (for organics)</li> <li>5. The unit is a tank used for bulk feed to an incinerator and meets certain requirements</li> </ol>				
CC-3	265.1084	Waste Determination:	Determination Not Needed	Determination Needed
<p>Was the VO concentration properly determined for each waste which the facility manages in a unit which does not meet Subpart CC requirements? The concentration must be determined by either direct measurement or knowledge. Please see 265.1084 for specific requirements for measurement and knowledge. Determination is <u>not</u> needed for waste managed in containers which meet standards. It may be necessary to evaluate container management prior to requiring VO concentration determination.</p>				

#	NA=Not Applicable, NI=Not Inspected, OK=In Compliance, DF=Deficiency	NA	NI	OK	DF
<b>CONTAINER MANAGEMENT 265.1087</b>					
Level 1		Level 2		Level 3	
Larger than 26.4 gallons and less than or equal to 122 gallons, or larger than 122 gallons and do not manage H.W. in light material service		Larger than 122 gallons and manage H.W. "in light material service" (definition at 265.1081)		Larger than 26.4 gallons and treat H.W. by a stabilization process	
CC-4	265.1087	Controls			
One of the following: -Use containers that meet DOT requirements -Use a cover and control with no visible gaps, holes or other open spaces into the interior of the container -Use organic vapor suppression on or above the container 265.1087(c)		One of the following: -Use containers that meet DOT requirements -Use containers that operate with no detectable emissions (method 21) -Use containers that are demonstrated to be vapor-tight within the last 12 months (method 27) 265.1087(d)		-Containers used to stabilize H.W. with volatile organics greater than 500 ppm -For waste stabilized in a container either: 1. container must be vented directly to a control device; or 2. container is vented inside an enclosure which is exhausted through a closed vent to a control device -Conservation vents are not allowed 265.1087(b)(2)	

Level 1			Level 2		Level 3			
#	NA=Not Applicable, NI=Not Inspected, OK= In Compliance, DF= Deficiency		NA	NI	OK	DF		
CC-5	265.1087	(N/A) Waste transfer requirements						
No waste transfer requirements apply  -Waste transfer requirements apply regardless of container alternative used in level 2 -Transfer waste into or out of a container in such a manner as to minimize exposure of the waste to the atmosphere. Acceptable methods include a submerged fill pipe, vapor recovery system, or fitted opening with a line purge 265.1087(b)(3)			Not applicable					
CC-6	265.1087	(OK) Operating requirements						
The covers, openings, and closure devices should be closed except: 1. When transferring H.W. in and out of the containers 2. between batch transfer not exceeding 15 minutes between transfer (note: if the person performing the transfer leaves the area, or the process shuts down, the container must be closed) 3. While performing sampling and equipment access 4. Conservation and safety vents are allowed -Containers may be open while performing sampling or equipment access -Safety valves and conservation vents may be used if normally left in close position -A cover need not to be on a RCRA empty container, as defined in 40 CFR 261.7  265.1087(c)(3), (d)(3)			-If the vapors are directly vented to a control device, there are specific design and operating criteria that must be met same as tanks that have closed vent and control device systems -If an enclosure is used, the enclosure must meet the design and operating criteria specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741 The container, enclosure, control device or closed vent system may have safety relief devices.					
CC-7	265.1089	(N/A) Inspection requirements						
Minimal inspection required: - when facility accepts container and it is not emptied within 24 hours -if wastes are stored greater than a year, then visually inspect once a year If inspections are required, facility must develop written plan and schedule to perform inspection  265.1087(c)(4), (d)(4)			Inspection requirements are the same as for tanks					
CC-8	265.1087	(N/A) Repair requirements						
When a defect is detected; attempt to repair within 24 hours must be made and: 1. Repair within 5 calendar days or empty and remove the container from service 2. Do not use until defect is repaired  265.1087(c)(4), (d)(4)			Necessary corrective measures shall be <u>immediately</u> implemented to ensure that the control device is operated in compliance					
CC-9	265.1090	(N/A) Recordkeeping requirements						
-If container exceeds 122 gallons and does not meet DOT standards, records indicating that the container is not managing H.W. in light material service  Since Level 2 waste is "in light material service", no records need to be kept			Depends upon how the organic emissions are vented: -If an enclosure is used, records must be maintained for the most recent set of calculations and measurements performed to verify that the enclosure meets the criteria of a permanent total enclosure (Procedure T) -Records for the closed vent and control device system are the same for those used on tanks(265.1090)(e)					

Comments:

# Inspection Checklist for Subpart CC: Air Emission Standards (Tanks)

**Applicability:** The air emission requirements apply to units subject to Subpart J \* unless any of the following apply:

Item # 40 CFR:

\*Note: CESQG's and SQG's are exempt

CC-T1	265.1	Do any of the following general exclusions apply? If yes, please circle.	YES	<input checked="" type="radio"/> NO
1. Wastewater treatment units -265.1(c)(10)      4. Elementary neutralization units -265.1(c)(10) 2. Emergency spill management units. -265.1(c)(11)      5. Totally enclosed treatment units. -265.1(c)(9) 3. Hazardous waste recycling units. -265.1(c)(6)      6. Satellite accumulation areas. -265.1(c)(7) - 262.34(c)(1)				
CC-T2	265.1080	Do any of the following exceptions apply? If yes, please circle.	YES	<input checked="" type="radio"/> NO
1. Waste was placed in the unit prior to Oct. 6, 1996 and none has been added since. -265.1080(b)(1) 2. The unit has stopped adding waste and is undergoing closure pursuant to an approved closure plan. -265.1080(b)(3) 3. The unit is used solely for onsite treatment or storage as a result of remedial activities required under corrective action, Superfund, or other similar state program. -265.1080(b)(5) 4. The unit is used solely to manage radioactive mixed waste. -265.1080(b)(6) 5. The unit operates with an emission control device regulated by and in accordance with Clean Air Act regulations. -(b)(7) 6. The unit operates with a process vent as defined in 264.1031, regulated under Subpart AA. -265.1080(b)(8)				
CC-T3	265.1080(d)	Administrative Stay for Organic Peroxide Waste:	YES	<input checked="" type="radio"/> NO
If the unit receives hazardous waste generated by organic peroxide manufacture, and the owner/operator has met the conditions as set forth in 265.1080(d), the requirements under Subpart CC are administratively stayed, <i>except for the record keeping requirements</i> which additionally include the notification requirement as given in 265.1080(d)(3).				
CC-T4	265.1083	Do any of the following exemptions apply? If yes, please circle.	YES	<input checked="" type="radio"/> NO
<b>General Standards:</b> The owner/operator must control air emissions from waste management units except the unit is exempt if:				
1. All hazardous waste entering the unit has an average VO concentration at the point of origination less than 500 parts per million by weight (waste determination required by 265.1084; see CC-T5). -265.1083(c)(1) 2. The organic content of all waste entering the unit has been reduced by one of the 8 acceptable processes. -265.1083(c)(2) 3. The unit is a tank used for certain biological treatment consistent with 265.1087(c)(2)(iv). -265.1083(c)(3) 4. The hazardous waste placed in the unit meets the LDR numerical concentration limits given in 268.40 or has been treated using the LDR treatment technology specific for the waste (specified in 268.42). -265.1083(c)(4) 5. The unit is a tank within an enclosure used for bulk feed to an incinerator and meets certain requirements. -265.1083(c)(5)				
CC-T5	265.1084	Waste Determination	Determination Not Needed	Determination Needed
Was the VO concentration properly determined for each waste which the facility manages in a unit which does not meet Subpart CC requirements? The concentration must be determined by either direct measurement or knowledge. Please see 265.1084 for specific requirements for measurement and knowledge. Determination is <b>not</b> needed for waste managed in tanks which meet Subpart CC standards. It may be necessary to evaluate tank management prior to requiring VO concentration determination.				

## TANK MANAGEMENT

Level 1 tank controls apply only to a fixed-roof tank in which the maximum vapor pressure of organic waste is less than that listed below for each tank design capacity, contents are not heated above the temperature of vapor pressure determination, and no waste stabilization is conducted in the tank. -265.1085(b)(1)

Tanks that exceed Level 1 criteria must use Level 2 controls; tanks that do not exceed Level 1 criteria may use Level 2 controls. The five design options for Level 2 controls are given below; vented fixed-roof tanks are the most common. -265.1085(b)(2)

Tank Design Capacity	Level 1 pressure limits	Level 1	Level 2
$\geq 151 \text{ m}^3 / 40,000 \text{ gal}$	$< 5.2 \text{ kPa} / 0.75 \text{ psi}$	Fixed-roof tanks	Fixed-roof tanks vented to control device -265.1085(g)
$< 151 \text{ m}^3 \text{ and } \geq 75 \text{ m}^3$	$< 27.6 \text{ kPa} / 4.0 \text{ psi}$	-265.1085(c)(1) through (c)(4)	External floating roof tanks -265.1085(f)
$< 75 \text{ m}^3 / 20,000 \text{ gal}$	$< 76.6 \text{ kPa} / 11.1 \text{ psi}$	-265.1085(d)	Fixed-roof with internal floating roof -265.1085(e)
			Enclosure vented to combustion device -265.1085(i)
			Pressure tank -265.1085(h)

265.1085(c)

### Level 1 Controls for Fixed-Roof Tanks

NA=Not Applicable NI=Not Inspected OK= In Compliance DF= Deficiency

CC-T6	265.1085(c)(1)	Vapor Pressure Determination	NA	NI	OK	DF
Has the owner/operator determined the maximum organic vapor pressure of the waste in the tank: by direct measurement or by knowledge?					YES	NO
Is the determination acceptable?					YES	NO
Does waste in tank exceed vapor pressure threshold for tank size? (If yes must use Level 2 Controls)					YES	NO

CC-T7	265.1085(c)(2)	Tank Design Specifications	NA	NI	OK	DF
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The fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank; shall be installed such that there are no visible cracks, holes, gaps or other open spaces between roof and tank wall / closure device and roof. Inspect the fixed roof and closure devices of each tank or a representative percentage of multiple tanks; list and photograph defects at each.

Tank #	Defect(s)	Photo #	Notes

Is each opening in the fixed roof (sampling port, conservation vent, level indicator, safety valve, etc.):					YES	NO
265.1085(c)(2)(i)(A) equipped with a closure device such that when closed there are no visible cracks, holes, gaps or other open spaces? or;					YES	NO
265.1085(c)(2)(i)(B) connected via a closed vent system to a control device? (If YES see Level 2 Controls checklist below)					YES	NO

CC-T8	265.1085(j)	Waste transfer requirements	NA	NI	OK	DF
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Transfer of hazardous waste to the tank from another tank subject to 265.1085 or surface impoundment subject to 265.1086 shall be conducted using continuous hard piping or other closed system, to prevent exposure of waste to atmosphere; except under conditions given in 265.1085(j)(2).

CC-T9	265.1085(c)(3)	Operating requirements	NA	NI	OK	DF
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Cover and closure devices shall be closed at all times except when performing routine inspections, sampling, maintenance and cleaning. Opening of a pressure/vacuum relief valve, conservation vent or similar device is allowed during normal operations to maintain tank pressure within design specifications. Opening of a safety device is allowed at any time.

Are pressure/vacuum relief valves and conservation vents designed to operate with NDE when secured in closed position?					YES	NO
Are the opening settings of these devices consistent with the manufacturer's recommended operating ranges?					YES	NO
What are the pressure settings of these devices and how do they compare with Level 1 vapor pressure limits?					OK	DF

CC-T10	265.1085(c)(4)	Inspection requirements	NA	NI	(OK)
The fixed roof and closure devices shall be visually inspected for defects initially, on or before December 12, 1996, or when first in service and thereafter at least annually, according to written plan; except when unsafe, and delay conditions are met. Buried parts of tank need not be inspected TSDs: The inspection plans must be incorporated into the overall facility inspection plan as per 265.15.					
CC-T11	265.1085(k)	Repair requirements	NA	NI	(OK)
Owner/operator shall make first efforts at repair of each defect detected during an inspection no later than 5 calendar days after detection; repairs shall be completed as soon as possible but no later than 45 calendar days after detection, except as provided in 265.1085(k)(2).					
CC- T12	265.1090(b)	Recordkeeping requirements	NA	NI	(OK)
For each unit in service records must be maintained on-site including: unique unit ID number, dimensions and capacity, organic vapor pressure of waste (if tested, records include time and date of samples, analytical method, and results), and inspection and repair records for three years. Please list in detail below deficiencies noted regarding items CC-T6 through CC-T12:					
CC- T13	265.1085(c)(2)	Level 2 Controls for Fixed-Roof Tanks Vented to Control Device	NA=Not Applicable OK= In Compliance	NI=Not Inspected DF= Deficiency	
All requirements of CC-T7 and: Each roof opening not equipped with a closure device shall be connected to a closed system that is vented to a control device which removes or destroys organics in the vent stream, and which shall be operating whenever hazardous waste is in the tank.					
CC- T14	265.1085(j)	Waste transfer requirements	NA	NI	(OK)
All requirements of CC-T8.					
CC- T15	265.1085(g)	Operating requirements	NA	NI	(OK)
All requirements of CC-T9 and: Closed vent system and control device shall be installed and operated in accordance with 265.1088.					
CC- T16	265.1085(g)(3)	Inspection requirements	NA	NI	(OK)
All requirements of CC-T10 and: perform initial leak detection testing of closed vent system on or before date tank is subject to the rule, as per 265.1088(b)(4); annually inspect closed vent system components per 265.1033(k) and 265.1034(b); negative pressure systems per 265.1033(j)(2).					
CC- T17	265.1085(k)	Repair requirements	NA	NI	(OK)
All requirements of CC-T11.					
CC- T18	265.1090(e)	Recordkeeping requirements	NA	NI	(OK)
All requirements of CC-T12 and: maintain records of unexpected malfunctions and semiannual updates of planned maintenance operations for 3 years; also: If control device is not a carbon absorber, condenser, flare, process heater, boiler or thermal vapor incinerator, maintain records of proper operation and use (e.g., manufacturer's documentation). Please list in detail below deficiencies regarding items CC-T13 through CC-T18:					



## SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS

*Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more*

*Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less*

### PROHIBITIONS

1. Did the SQUWH dispose of universal waste? [3745-273-11(A)] Yes ☐ No ☒ N/A ☐ RMK# ☐
2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] Yes ☐ No ☒ N/A ☐ RMK# ☐

### WASTE MANAGEMENT & LABELING/MARKING

#### UNIVERSAL WASTE BATTERIES

3. Are battery(ies) that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)] Yes ☐ No ☐ N/A ☒ RMK# ☐
4. If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)] Yes ☒ No ☐ N/A ☐ RMK# ☐
5. Does the SQUWH conduct any of the following activities:
- a. Sort batteries by type? Yes ☒ No ☐ N/A ☐ RMK# ☐
- b. Mix battery types in one container? Yes ☐ No ☒ N/A ☐ RMK# ☐
- c. Discharge batteries to remove the electric charge? Yes ☐ No ☒ N/A ☐ RMK# ☐
- d. Regenerated used batteries? Yes ☐ No ☒ N/A ☐ RMK# ☐
- e. Disassemble them into individual batteries or cells? Yes ☐ No ☒ N/A ☐ RMK# ☐
- f. Remove batteries from consumer products? Yes ☐ No ☒ N/A ☐ RMK# ☐
- g. Remove the electrolyte from the battery? Yes ☐ No ☒ N/A ☐ RMK# ☐

If so, are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)(2)]

Yes ☐ No ☐ N/A ☒ RMK#

6. If the electrolyte is removed or other waste generated, has it been determined whether it is a hazardous waste? [3745-273-13(A)(3)]

Yes ☐ No ☐ N/A ☒ RMK#

a. If the electrolyte or other waste is characteristic, is it managed in compliance with 3745-50 through 3745-69? [3745-273-13(A)(3)(a)]

Yes ☐ No ☐ N/A ☒ RMK#

b. If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)]

Yes ☐ No ☐ N/A ☒ RMK#

7. Are the battery(ies) of container(s) of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)"? [3745-273-14(A)]

Yes ☒ No ☐ N/A ☐ RMK#

#### **UNIVERSAL WASTE PESTICIDES**

8. Does the SQUWH prevent releases to the environment by managing pesticides in containers that are closed, structurally sound, compatible with the pesticides, and lack evidence of leakage, spillage, or damage? [3745-273-13(B)(1)]

Yes ☐ No ☐ N/A ☒ RMK#

9. If the original pesticide container is in poor condition, was it over-packed into an acceptable container? [3745-273-13(B)(2)]

Yes ☐ No ☐ N/A ☒ RMK#

10. If the pesticide is stored in a tank, are the requirements of 3745-66-90 through 3745-66-101, except for paragraph (C) of 3745-66-97; 3745-66-100 and -66-101 of the OAC met? (Use tank checklist) [3745-273-13(B)(3)]

Yes ☐ No ☐ N/A ☒ RMK#

11. If pesticides are stored in a transport vehicle, is it closed, structurally sound and compatible with the pesticide(s)? [3745-273-13(B)(4)]

Yes ☐ No ☐ N/A ☒ RMK#

12. Are containers, tanks, or transport vehicles that contain universal waste pesticides, labeled with either "Universal Waste Pesticides" or "Waste Pesticides"? [3745-273-14(B)]

Yes ☐ No ☐ N/A ☒ RMK#



## UNIVERSAL WASTE THERMOSTATS

13. Are thermostats that show evidence of leaking, spilling, or damage that could cause leaks, properly contained? [3745-273-13(C)(1)] Yes ☐ No ☐ N/A ☒ RMK#
14. If the thermostats are contained, are the containers closed, structurally sound, compatible with contents of the thermostats and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(C)(1)] Yes ☐ No ☐ N/A ☒ RMK#
15. If the mercury-containing ampules are removed, does the SQUWH: [3745-273-13(C)(2)]
- a. Remove the ampules in a manner to prevent breakage and are they removed over or in a containment device? [3745-273-13(C)(2)(a)(b)] Yes ☐ No ☐ N/A ☒ RMK#
- b. Have a clean-up system readily available to transfer spilled mercury to another container that meets the requirements of OAC 3745-52-34 and is the spilled mercury transferred immediately? [3745-273-13(C)(2)(c)(d)] Yes ☐ No ☐ N/A ☒ RMK#
- c. Ensure that the area where ampules are removed is well ventilated and monitored in compliance with applicable OSHA exposure levels for mercury? [3745-273-13(C)(2)(e)] Yes ☐ No ☐ N/A ☒ RMK#
- d. Ensure that employees are thoroughly familiar with the proper waste handling and emergency procedures? [3745-273-13(C)(2)(f)] Yes ☐ No ☐ N/A ☒ RMK#
- e. Ensure that removed ampules are stored in closed, non-leaking containers that are in good condition? [3745-273-13(C)(2)(g)] Yes ☐ No ☐ N/A ☒ RMK#
- f. Pack removed ampules in containers with packing material to prevent breaking during storage, handling and transportation? [3745-273-13(C)(2)(h)] Yes ☐ No ☐ N/A ☒ RMK#
16. If mercury, clean-up residues, or other wastes are generated, are they evaluated to determine whether they exhibit a characteristic of a hazardous waste? [3745-273-13(C)(3)(a)] Yes ☐ No ☐ N/A ☒ RMK#

a. If the waste is characteristic, is it managed in compliance with OAC Chapters 3745-50 through 3745-69? (The handler is considered the generator of the mercury, residues, and/or other waste and is subject to Chapter 3745-52.) [3745-273-13]

Yes \_\_\_ No ☐ N/A ☒ RMK# \_\_\_

b. If the mercury, residues and/or other wastes are not hazardous, are they managed in compliance with applicable law? [3745-273-13(C)(3)(c)]

Yes \_\_\_ No ☐ N/A ☒ RMK# \_\_\_

17. Are thermostats or containers of thermostats labeled either "Universal Waste-Mercury Thermostat(s)" or "Waste Mercury Thermostat(s)" or "Used Mercury Thermostat(s)"? [3745-273-14(D)]

Yes \_\_\_ No ☐ N/A ☒ RMK# \_\_\_

### UNIVERSAL WASTE LAMPS

18. Does the SQGUHW contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)]

Yes ☒ No ☐ N/A \_\_\_ RMK# \_\_\_

*Per Mr. Kolesar*  
• Not observed at time of insp.  
• No bulbs.

19. Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)]

Yes \_\_\_ No ☐ N/A \_\_\_ RMK# \_\_\_

*none on site*

20. Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)"? [3745-273-14(E)]

Yes \_\_\_ No ☐ N/A \_\_\_ RMK# \_\_\_

*none outside*

**NOTE:** Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is permitted for such activities [3745-273-31(B)]. A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility under a hazardous waste manifest.

## ACCUMULATION TIME

21. Is the waste accumulated for less than one year?  
[3745-273-15(A)] If not:

Yes ☒ No ☐ N/A ☐ RMK# ☐

- a. Was the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)]

Yes ☐ No ☐ N/A ☒ RMK# ☐

**NOTE:** *Accumulation is defined as date generated or date received from another handler.*

22. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)]

Yes ☒ No ☐ N/A ☐ RMK# ☐

- a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)]

Yes ☒ No ☐ N/A ☐ RMK# ☐

- b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)]

Yes ☐ No ☐ N/A ☒ RMK# ☐

- c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)]

Yes ☐ No ☐ N/A ☒ RMK# ☐

- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)]

Yes ☐ No ☐ N/A ☒ RMK# ☐

- e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)]

Yes ☒ No ☐ N/A ☐ RMK# ☐

- f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)]

Yes ☒ No ☐ N/A ☐ RMK# ☐

*Bills of lading*

## EMPLOYEE TRAINING

23. Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16] Yes ☒ No ☐ N/A ☐ RMK# ☐

### **RESPONSE TO RELEASES**

24. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] Yes ☐ No ☐ N/A ☒ RMK# ☐
25. Is the material released characterized? [3745-273-17(B)] Yes ☐ No ☐ N/A ☒ RMK# ☐
26. If the material released is a hazardous waste, is it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to Chapter 3745-52) [3745-273-17 (B)] Yes ☐ No ☐ N/A ☒ RMK# ☐

### **OFF-SITE SHIPMENTS**

**NOTE:** *If a SQUWH self-transport waste, then they must comply with the Universal Waste transporter requirements.*

27. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] Yes ☒ No ☐ N/A ☐ RMK# ☐

**NOTE:** *SQUWHs are prohibited to send waste to any other facility.*

28. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)] Yes ☒ No ☐ N/A ☐ RMK# ☐
29. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)] Yes ☒ No ☐ N/A ☐ RMK# ☐
30. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following:
- a. Receive the waste back? [3745-273-18(E)(1)] Yes ☐ No ☐ N/A ☒ RMK# ☐

b. Agree to where the shipment will be sent? [3745-273-18(E)(2)]

Yes\_\_\_ No\_\_\_ N/A X RMK#\_\_\_

31. If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss one of the following:

Yes \_\_\_ No ☐ N/A X RMK#\_\_\_

a. Sending the waste back to the originating handler? [3745-273-18(F)(1)]

Yes\_\_\_ No\_\_\_ N/A X RMK#\_\_\_

b. Sending the shipment to a destination facility? (If both the originating and receiving handler agree) [3745-273-18(F)(2)]

Yes\_\_\_ No\_\_\_ N/A X RMK#\_\_\_

33. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)]

Yes \_\_\_ No ☐ N/A X RMK#\_\_\_

34. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)]

Yes \_\_\_ No ☐ N/A X RMK#\_\_\_

### **EXPORTS**

35. Is waste being sent to a foreign destination? If so:

Yes\_\_\_ No\_\_\_ N/A X RMK#\_\_\_

a. Does the small quantity handler comply with primary exporter requirements in OAC 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)]

Yes \_\_\_ No ☐ N/A X RMK#\_\_\_

b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA's "Acknowledgment of Consent" as defined in 3745-52-50 to -52-57? [3745-273-20(B)]

Yes \_\_\_ No ☐ N/A X RMK#\_\_\_

c. Is a copy of U.S. EPA's "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)]

Yes \_\_\_ No ☐ N/A X RMK#\_\_\_

### **REMARKS**



Land and Chemicals Division

Type of Document:

- ☐ Notice of Violation Follow up Letter  
☐ No Violation Letter and Inspection Report/  
Checklist  
☐ Information Request  
☐ Pre-Filing and Opportunity to Confer  
☐ State Notification of Enforcement Action  
☒ Stipulated Penalty Demand Letter

Facility Name:

Research Organics

Facility Location:

4353 E. 49th St.

City:

Cuyahoga Heights

State:

OH

U.S. EPA ID#

04D 046 632 717

Docket #




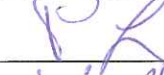
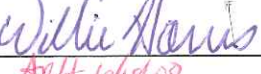

RCRA-05-2002-0008

Assigned Staff

Michael Cunningham

Phone

6-4464

NAME	SIGNATURE	DATE
Originator		6-4-08
Regional Counsel		6/10/08
Regional Counsel Section Chief		6-11-08
Section Chief Paul Little		6-16-08
Branch Chief Willie Harris		6/16/08
Division Director Margaret Guerriero	 Arch 6/18/08	6/25/08

Directions/Request for Clerical Support:

After Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter
2. Make four copies of the contents of this folder:
  - i. One copy for the assigned staff
  - ii. One copy for the section file
  - iii. One copy for the official file (7<sup>th</sup> floor)
3. Make any additional copies for cc's or bcc's
4. Mail the original certified mail and distribute office copies and cc's/bcc's

Once the certified mail receipt is returned:

5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take 7<sup>th</sup> floor RCRA file room
6. E-mail staff the date the letter was received by facility.





UNITED STATES POSTAL SERVICE

CLEVE OH 441

30 JUN 2008 PM 3:17

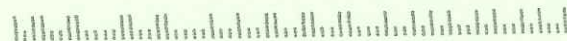
*Letter*  
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

U.S. EPA  
77 W. Jackson Blvd  
Chicago, IL 60604  
Attn: Mike Cunningham

*LR-8J*  
~~██████~~

9+3608



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Mr. Glenn Miller**  
**Environmental & Safety Director**  
**Research Organics, Incorporated**  
**4353 East 49<sup>th</sup> Street**  
**Cuyahoga Heights, OH 44125**

2. Article Number  
(Transfer from service label)

7001 0320 0006 0184 7799

PS Form 3811, March 2001

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

D. Is delivery address different from item 1?  
If YES, enter delivery address below:☐ Agent  
☐ Addressee  
☐ Yes  
☐ No

3. Service Type

☒ Certified Mail  
☐ Registered  
☐ Insured Mail☐ Express Mail  
☐ Return Receipt for Merchandise  
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-01-M-1424



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JUN 25 2008**

REPLY TO THE ATTENTION OF:

L-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Glenn Miller  
Environmental & Safety Director  
Research Organics, Incorporated  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125

Re: Supplemental Environmental Project Completion/Demand for Stipulated Penalties  
Consent Agreement and Final Order  
Docket No. RCRA-05-2002-0008  
U.S. EPA ID No. OHD 046 632 717

Dear Mr. Miller:

The U. S. Environmental Protection Agency is in receipt of the Supplemental Environmental Project (SEP) reports you submitted as required by paragraph H of the April 21, 2003, Consent Agreement and Final Order (CAFO). Those reports outline the actions taken by Research Organics, Incorporated to implement the SEP as required by Paragraphs C through E of the Final Order Section (Section III) of the CAFO.

The SEP required the installation of two storage tanks at a cost of at least \$106,800. The SEP also required the shipment of at least 378,000 gallons per year for two years of biological waste water treatment feedstock at a cost of \$436,820. The Final SEP Progress Report for the Tank Construction Phase, dated November 30, 2004, indicates that Research Organics has successfully implemented the tank installation phase of the SEP and the cost incurred by Research Organics for the installation was \$381,240. The two Annual Material Reuse SEP Summary Reports, dated November 30, 2005, and November 29, 2006, indicates a total of 832,332 gallons of biological waste water treatment feedstock was shipped off site over a two year period. The two Annual Material Reuse SEP Summary Reports also indicate that there was an expense of \$30,624.92 for implementing the shipment portion of the SEP in 2005, but there was a net gain of \$8,385.33 in 2006.

Based on the information contained in the SEP reports described above, EPA has determined the SEP was satisfactorily completed, but Research Organics spent less than 90 percent of the amount of money required to be spent for the project. Therefore, paragraph A(a)(iii) of Section V of the CAFO requires that Research Organics pay a stipulated penalty to the United States in the amount of twenty three thousand five hundred and thirty-five dollars (\$23,535).



Paragraph A(d) of the Penalties for Noncompliance Section of the CAFO requires payment of the stipulated penalty within fifteen (15) days of receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Section III O of the CAFO.

If you have any questions, please contact me or your staff may contact Michael Cunningham of my staff, at 312-886-4464.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret M. Guerriero for". The signature is fluid and cursive, with a large initial "M" and a trailing "for" at the end.

Margaret M. Guerriero

Director

Land and Chemicals Division



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>RESEARCH ORGANICS, INC.</b>	)	<b>Docket No. RCRA-05-2002-0008</b>
	)	
<b>EPA ID No. OHD 046 632 717</b>	)	
<hr/>	)	

**CONSENT AGREEMENT AND FINAL ORDER**

**I. PREAMBLE**

On July 19, 2002, a Complaint was filed in this matter pursuant to Section 3008(a) of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency (EPA). The Respondent is Research Organics, Inc.

**II. STIPULATIONS**

The Parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint, Findings of Violation and Compliance Order (Docket No. RCRA-05-2002-0008) in this matter. The Complaint is incorporated herein by reference.
2. Respondent owns and operates a facility located at 4353 East 49<sup>th</sup> Street, Cuyahoga Heights, Ohio 44125 (the "Facility").

3. Respondent admits that Complainant has jurisdiction to issue the Complaint in this matter and jurisdiction to enter into this Consent Agreement and Final Order (CAFO). Respondent agrees not to contest such jurisdiction in any proceeding to enforce the provisions of this CAFO.

4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint other than admissions made in Respondent's Answer.

5. Respondent explicitly withdraws its request for a hearing and waives any and all rights under any provisions of law to a hearing on the allegations contained in the Complaint or to challenge the terms and conditions of this CAFO.

6. If Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the EPA to bring a civil action in the appropriate United States District Court to compel compliance with the CAFO and/or to seek an additional penalty for the noncompliance.

7. Respondent consents to the issuance of the Final Order hereinafter set forth and hereby consents to the payment of a civil penalty as described below. Pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §§ 6928(c) and 6928(g), the nature of the violations, Respondent's agreement to perform a Supplemental Environmental Project (SEP) and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is forty two thousand dollars (\$42,000). Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury. In addition, Respondent hereby agrees that, within thirty (30) days of the date it submits its federal tax reports for the calendar year in which the SEP is completed, it will submit



to EPA certification that any funds expended in the performance of the SEP have not been deducted from federal taxes.

8. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of the Facility. This CAFO is binding on Respondent and any successors in interest.

9. On June 30, 1989, the State of Ohio was granted final authorization by the Administrator of the EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. § 6928, provides that EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

10. Respondent hereby certifies that, as of the date of this CAFO, Respondent is not required to perform or develop the SEP by any federal, State or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant or as injunctive relief in this or any other case or in compliance with State or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

11. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, State or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, State or local permit, nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

12. This CAFO shall become effective on the date it is signed by the Acting Director, Waste, Pesticides and Toxics Division, U.S. EPA, Region 5.

### III. FINAL ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Final Order:

A. Upon the effective date of this CAFO, Respondent shall not store hazardous waste at the Facility, except in full compliance with the applicable requirements of Ohio Administrative Code (OAC) 3745-52-34 and 40 CFR § 262.34.

B. Upon the effective date of this CAFO, Respondent shall record in a log or summary inspections of emergency equipment kept on site as required by OAC 3745-65-33.

C. Respondent shall undertake the following SEP, which the Parties agree will provide significant environmental and public health benefits. The SEP consists of: a) the installation, no later than December 31, 2004, of two storage tanks and associated equipment for the purpose of segregating spent solvent material generated on-site; and b) shipping at least 378,000 gallons per year, for a period of at least two years, of such material for use off-site as a substitute for biological waste water treatment feedstock. The SEP is more specifically described in the Supplemental Environmental Project Proposal (SEPP), attached hereto as Exhibit A and incorporated herein by reference.

D. Respondent's total expenditure for the SEP, including performance of the activities set forth in the SEPP, shall be no less than \$106,800 for installation of tanks and associated equipment, and \$436,820 within the two (2) years following completion of installation

of the tanks for implementation of the waste stream reuse program. Respondent shall provide Complainant with documentation of the expenditures made in connection with the SEP, as specified in Section III. H(b)(ii) and (c)(ii) below.

E. Respondent shall apply for and obtain all permits and approvals necessary for the implementation and completion of the SEP activities.

F. In any dispute over whether Respondent has fulfilled the requirements of the SEP as specified in Section III. C of this CAFO and the SEPP, Respondent shall bear the burden of proving that it has done so.

G. Respondent shall notify EPA within thirty (30) days of completion of installation of the tanks. Respondent shall also provide advance notification to EPA of the date of the initial shipment of the segregated waste stream to the wastewater treatment facility.

H. Respondent shall submit the following reports to EPA as described below:

(a) Quarterly progress reports for the tank construction phase of the SEP. The three-month quarter shall begin during the month this CAFO becomes effective, and the report shall be due no later than the 15th day of the month following the previous quarterly reporting period. The reports shall note the significant accomplishments and any difficulties encountered during the reporting period.

(b) A Tank Installation SEP Summary Report within thirty (30) days of completion of the installation of the tanks containing the following information:

- (i) The tank installation completion date and a detailed description of the tank installation portion of the SEP as implemented;
- (ii) Itemized costs for the tank installation portion of the SEP, documented by copies of purchase orders and receipts or canceled checks;

- (iii) with the exception of the waste stream segregation and reuse activities to be performed in the future, certification that the SEP has been implemented pursuant to the provisions of this CAFO;

(c) An annual Material Reuse SEP Summary Report, due within thirty (30) days of the anniversary of the tank installation completion date, for each of the first two (2) full years of implementation of the waste stream reuse portion of the SEP, containing the following information:

- (i) A detailed description of the SEP as implemented;
- (ii) Itemized costs for implementing the waste stream reuse portion of the SEP, including as administrative costs, freight charges, storage tank and truck washout charges, and maintenance costs, for the year, documented by copies of purchase orders and receipts or canceled checks;
- (iii) Certification that the SEP has been implemented pursuant to the provisions of this CAFO;
- (iv) A description of the environmental and public health benefits resulting from implementation of the SEP, and a best estimate quantification of the benefits and pollutant reductions obtained.

I. Any public statement, oral or written, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Resource Conservation and Recovery Act, as amended."

J. Respondent shall allow EPA to inspect the Facility at any reasonable time in order to confirm that the SEP is operating properly and in conformity with the representations made herein. All records pertaining to the SEP will be kept at the Facility and made available to U.S. EPA and Ohio Environmental Protection Agency inspectors upon request, and to any other parties requesting such information.

K. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to EPA pursuant to this CAFO. Respondent shall provide documentation of any such underlying research and data to EPA within seven (7) days of a request for such information. In all documents or reports, including, without limitation, the SEP Summary Reports, submitted to EPA pursuant to this CAFO, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

L. (a) Following receipt of the Tank Installation SEP Summary Report and each annual Material Reuse SEP Summary Report described in Section III. H(b) and (c), EPA may take one of the following actions: (i) accept the report; (ii) reject the report, notify the Respondent in writing of deficiencies in the report and grant an additional thirty (30) days in which to correct the deficiencies; or (iii) reject the report and seek stipulated penalties in accordance with Section V below.

(b) If EPA elects to exercise option (ii) above, EPA shall permit Respondent the opportunity to object in writing to EPA's notification of deficiency or disapproval given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by the EPA of Respondent's notification of objection to reach agreement. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision to Respondent. EPA's

decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Section V below.

M. Whenever, under the terms of this CAFO, notice is required to be given or a document sent by one Party to another, it shall be directed to the individuals at the addresses specified below:

As to EPA:

Michael Cunningham  
United States Environmental Protection Agency  
77 West Jackson Boulevard DE-9J  
Chicago, Illinois 60604  
(312) 886-4464

As to Respondent:

Glenn Miller  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125  
(216) 883-8025

N. Respondent shall also submit a copy of all documents and correspondence regarding this CAFO to Frank Popotnik, Supervisor, Ohio Environmental Protection Agency, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

O. Within thirty (30) days of the effective date of this CAFO, Respondent shall submit a cashier's or certified check, payable to the order of "Treasurer, United States of America," in the amount of forty two thousand dollars (\$42,000). The check shall be mailed to:

U.S. EPA, Region 5, Regional Finance Office, P.O. Box 70753, Chicago, Illinois 60673. The name of the Respondent and the Docket Number of this proceeding shall be clearly marked on the face of the check. Copies of the transmittal of the payment shall be sent to: Regional Hearing Clerk, Planning and Management Division (M-19J); Reginald A. Pallesen, Associate Regional Counsel (C-14J); and Michael Cunningham, WPTD Enforcement and Compliance Assurance Branch (DE-9J); U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Interest and late charges shall be paid as specified in Section IV below.

#### **IV. AMOUNTS OVERDUE**

Pursuant to 31 U.S.C. § 3717, Respondent shall pay the following amounts on any amount overdue under this CAFO:

A. **Interest.** Any unpaid portion of a civil or stipulated penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 CFR § 102.13(c).

B. **Monthly Handling Charge.** Respondent shall pay a late payment handling charge of \$20.00 on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains.

C. **Non-Payment Penalty.** On any portion of a civil or stipulated penalty more than ninety (90) days past due, Respondent shall pay a non-payment penalty of twelve percent (12%) per annum, which will accrue from the date the penalty payment became due and is not paid.

This non-payment is in addition to charges which accrue or may accrue under Section IV A and B.

## **V. PENALTIES FOR NONCOMPLIANCE**

A. (a) In the event that Respondent fails to comply with any of the terms or provisions of this CAFO relating to the performance of the SEP described in Section III. C and the SEPP, and/or actual expenditures for the SEP do not equal or exceed the cost of the SEP described in Section III. D above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to Section III. C, Respondent shall pay a stipulated penalty to the United States in the amount of ninety four thousand one hundred thirty eight dollars (\$94,138).

(ii) If the SEP is not completed satisfactorily, but Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not pay any stipulated penalty.

(iii) If the SEP is satisfactorily completed, but Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of twenty three thousand five hundred thirty five dollars (\$23,535).



(iv) If the SEP is satisfactorily completed, and Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not pay any stipulated penalty.

(v) For failure to submit any of the SEP Summary Reports required by Section III. H (b) and (c) above, Respondent shall pay a stipulated penalty in the amount of two hundred dollars (\$200) for each day after the due date until the report is submitted.

(vi) For failure to submit any other report or the notifications and protocol required by Sections III. G and H above, Respondent shall pay a stipulated penalty in the amount of one hundred dollars (\$100) for each day after the report was originally due until the report is submitted.

(b) In any dispute over whether the SEP has been satisfactorily completed and whether Respondent has made a good faith, timely effort to implement the SEP, Respondent shall bear the burden of proving satisfactory completion of the SEP and good faith, timely effort to implement the SEP.

(c) Stipulated penalties for subparagraphs (v) and (vi) above shall begin to accrue on the day after performance is due, and shall continue to accrue until the activity is completed.

(d) Respondent shall pay stipulated penalties within fifteen (15) days of receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Section III. O above. Interest and late charges shall be paid as stated in Section IV above.

(e) Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

B. (a) If any event occurs which causes or may cause delays in the completion of the SEP as required under this CAFO, Respondent shall notify Complainant in writing within ten (10) days of the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Respondent to prevent or minimize the delay, and the timetable by which those measures will be implemented. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular incident involved and constitute a waiver of the Respondent's right to request an extension of its obligation under this CAFO based on such incident.

(b) If the parties agree that the delay or anticipated delay in compliance with this CAFO has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time.

(c) In the event that the EPA does not agree that a delay in achieving compliance with the requirements of this CAFO has been or will be caused by circumstances beyond the control of the Respondent, EPA will notify Respondent in writing of its decision and any delays in the completion of the SEP shall not be excused.

(d) The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent shall rest with Respondent. Increased costs or expenses associated with the implementation of actions called for by this CAFO shall not, in any event, be a basis for changes in this CAFO or extensions of time under section (b) of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

## **VI. EFFECT OF SETTLEMENT**

A. This CAFO constitutes the entire settlement between the parties, and constitutes final disposition of the Complaint filed in this case.

B. Each party shall bear its own costs and attorneys' fees in the action resolved by this CAFO.

C. Respondent's obligations under this CAFO shall end when it has satisfied all of the requirements of Section III of this CAFO (including full payment of the civil penalty) and, if applicable, full payment of any amounts overdue pursuant to Section IV of this CAFO, and/or full payment of stipulated penalties due and owing pursuant to Section V of this CAFO.

D. The information required to be maintained or submitted pursuant to this CAFO is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.

## **VII. RESERVATION OF RIGHTS**

Notwithstanding any other provision of this Final Order, EPA expressly reserves any and all rights to bring an enforcement action pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973,

or other statutory authority should EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the Facility may present an imminent and substantial endangerment to health or the environment. EPA also expressly reserves the right: (1) for any matters other than violations alleged in the Complaint, to take any action authorized under Section 3008 of RCRA; (2) to enforce compliance with the applicable provisions of the Ohio Administrative Code; (3) to take any action under 40 CFR Parts 124 and 270; and (4) to enforce compliance with this CAFO.

### VIII. SIGNATORIES

Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of 15 pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this 16th day of April, 2003

**RESEARCH ORGANICS, INC.**

By: *Pat Stump*

Title: President and CEO

US ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

03 APR 21 P 3:44

RECEIVED  
REGIONAL HEARING  
CLERK

Agreed to this 21<sup>st</sup> day of April, 2003.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: Joseph M. Boyle  
Joseph M. Boyle, Chief  
Waste, Pesticides and Toxics Division  
Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5,  
Complainant

The above being agreed and consented to, it is so ordered

this 21<sup>st</sup> day of April, 2003.

By: Josi Lisnecor  
for Phyllis Reed, Acting Director  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency, Region 5

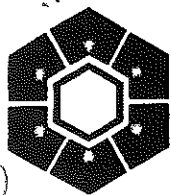
U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

03 APR 21 P 3:44

RECEIVED  
REGIONAL HEADING  
CLERK

IN THE MATTER OF:  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125  
DOCKET NO. RCRA-05-2002-0008

## EXHIBIT A



# RESEARCH ORGANICS

ISO 9001 CERTIFIED

4353 East 49th Street, Cleveland, Ohio 44125  
Toll Free: (800) 321-0570 • International: (216) 883-8025  
Facsimile: (216) 883-1576 • Tech Support: (800) 334-0144  
E-Mail: [info@resorg.com](mailto:info@resorg.com) • [www.resorg.com](http://www.resorg.com)



## Supplemental Environmental Project (SEP) Proposal

**Project Name:** Hazardous Waste Reduction Program - Reuse of Alcohol Streams

**Project Location:** Research Organics, Inc.  
EPA ID# OHD046632717  
Address: 4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125  
County: Cuyahoga

**Project Manager:** Mr. Glenn Miller  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125  
Phone: (216) 883-8025 x 134  
Fax: (216) 883-1576  
E-Mail: [gmler@resorg.com](mailto:gmler@resorg.com)

Organization conducting project: Research Organics, Inc.  
Person submitting status reports: Mr. Michael McCormick

**Project Type:** Pollution Prevention/Reduction

**Project Description:** Currently, Research Organics, Inc. generates significant quantities of listed hazardous waste which, through proper characterization and segregation, we believe could be reused as recovered alcohol. The most attractive use of these waste streams would be for waste water treatment, because this application would not only reduce the volume of hazardous waste that must presently be managed under the RCRA program, but it would also serve to enhance the environment by allowing the alcohol to remove ammonia from waste water.

### Expected Environmental Benefit:

#### Background:

The waste covered in this SEP is currently identified as a F003 and D001 Hazardous Waste. The material is generated through various batch processes that use Methanol or Isopropanol as a solvent to suspend the final product in its solid version. The solids are removed through filtration or centrifuge while the solvent is piped to the Hazardous Waste Tank. The waste material is currently sent to cement kilns for Energy Recovery (H051 and H061) as Hazardous Waste.

Research Organics, Inc. proposes to segregate the solvents in separate tanks based on reuse value in the wastewater treatment industry. The following table shows the projected volumes based on the current year's disposal records:

eclassification using 2002 volumes: (gallons)

Month	Total Waste	Reuse as RES0051M-A000X	Reuse as RES1322A-A000X	Remaining as Hazardous Waste
January	99,802		51,198 (51.3%)	48,604 (48.7%)
February	77,639		32,143 (41.4%)	45,496 (58.6%)
March	62,232		26,262 (42.2%)	35,970 (57.8%)
April	76,029		40,447 (53.2%)	35,582 (46.8%)
May	67,796	14,845 (21.9%)	20,535 (30.3%)	32,416 (47.8%)
June	55,952	12,307 (22.0%)	3,917 (7.0%)	39,728 (71.0%)
July	43,809		16,078 (36.7%)	27,731 (63.3%)
August	57,156		24,006 (42%)	33,150 (58%)
September	61,339		29,443 (48%)	31,896 (52%)
October	50,840		30,402 (59.8%)	20,438 (40.2%)
November	70,256	14,086 (20.0%)	28,594 (40.7%)	27,576 (39.3%)
December	77,493	16,000 (20.6%)	20,613 (26.6%)	40,880 (52.8%)
TOTALS:	800,343	57,238 (7.2%)	323,638 (40.4%)	419,467 (52.4%)

There will be a 47.6% average reduction in the generation of Hazardous Waste per year.

**Reporting:**

A.) Initial: Research Organics, Inc. will provide progress reports on installation and implementation including invoices to verify and document proper expenditure of SEP funds..

B.) On-going: Research Organics, Inc. will generate tank logs identifying material and volumes going to each tank.

**Prior Commitments and/or Regulatory Requirements:** None

**Project Cost:**

Implementation of the program by Research Organics, Inc. would require installation of additional tankage, proper diking, monitoring equipment (level sensors) and other ancillary changes. Estimates of the costs to implement this project are as follows:

Dike - 20' x 35' x 4'	\$ 40,000
Two storage tanks @ \$16,000 each	\$ 32,000
Steel deck, ladder, steps, etc.	\$ 15,000
Level sensors	\$ 10,000
Pipelines and valves (materials)	\$ 5,000
Labor - mechanical - 2 workers, 80 hrs.	\$ 3,200
Labor - electrical - 2 workers, 40 hrs.	\$ 1,600
<b>TOTAL ESTIMATED COST</b>	<b>\$ 106,800</b>

**Projected Saving:** There is a calculated negative payback of between -\$850 and -\$21,850. If not for the beneficial environmental impact of proceeding with this project, this would be an unacceptable project.

**Project Schedule:** Research Organics, Inc. will be required to obtain local building permits from the village of Cuyahoga Heights. Building permits require engineering drawings approved by City Building Inspector, which take 2 to 4 weeks to obtain. In addition, Permits to Install will be required from the EPA-Air Division.

Actual purchase and installation will require **6 to 9 months** after all necessary permits are obtained

<u>I. Planning</u>	11 to 13 weeks
Engineering	
Permits	
City	
EPA-Air Division (3 to 9 months)	
May require performance testing under MACT Standard (1 day)	
In-House	
<u>II. Purchasing</u>	12 to 14 weeks
2 Tanks	
Sensors	
Valves, Fittings, etc.	
Instruments	
<u>III. Construction</u>	13 to 15 weeks
Dike	
Install Tanks	
Steps & Decks	
<u>IV. Instrumentation</u>	2 to 4 weeks
Sensors & Misc. Equipment	
<u>V. Inspections</u>	1 to 3 Days (Initial, Middle, and Completion)
City	

**Availability of Other Funding:** There is no other funding for this SEP project.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 24 2008

REPLY TO THE ATTENTION OF:  
L-8J

CERTIFIED MAIL 7001 0320 006 0187 3521  
RETURN RECEIPT REQUESTED

Textileather Corporation  
Care of CT Corporation System  
1300 East Ninth Street  
Cleveland, Ohio 44114

Re: Textileather Corporation  
Request for Information, EPA ID No: OHD 980 279 376

Dear Sir or Madam:

By this letter, the U.S. Environmental Protection Agency, Region 5 requests information from Textileather Corporation (Textileather) under Section 3007 of the Resource Conservation Act (RCRA), as amended, 42 U.S.C. § 6927. Section 3007 authorizes the Administrator of EPA Region 5 to require Textileather to submit certain information. This request requires Textileather to submit information concerning its facility located at 3729 Twining Street, Toledo, Ohio.

Based on EPA's records, Textileather generates, stores, and otherwise manages hazardous wastes at its Toledo facility. In addition, based on State of Ohio RCRA closure records, there is evidence of releases of hazardous constituents at Textileather's Toledo facility and that the RCRA Section 3004 or 3008 corrective action requirements apply to the facility. EPA needs the information requested in this letter in order to determine whether there are releases of hazardous constituents from solid waste management units at the Textileather facility and what corrective action would be appropriate.

The enclosure to this letter specifies the information you must submit. Within 21 calendar days of receiving this request, you must submit this information to the EPA at this address:

U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Mail Code: LU-9J  
Chicago, Illinois 60604  
Attention: Carolyn Bury

You may, under 40 CFR Part 2 Subpart B, assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR § 2.203(b). We will disclose the information covered by a business confidentiality claim only to the extent and by means of the procedures at 40 CFR Part 2, B. You must make any request for confidentiality when you submit the information since any information not so identified may be made available to the public without further notice.

Textileather must submit all requested information under an authorized signature certifying that the information is true and complete to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should notify us. Knowingly providing false information, in response to this request, may be actionable under 18 U.S.C. §§ 1001 and 1341. We may use the requested information in an administrative, civil or criminal action.

This request is not subject to the Paperwork Reduction Act, U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject Textileather to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

If you have any questions, please contact me, or your staff may direct questions about this request for information to Carolyn Bury, of my staff, at (312) 886-3020. Legal questions should be directed to Brian Barwick, Office of Regional Council, at (312) 886-6620.

Sincerely,

*Anton Marty, for M. Guerriero*

Margaret M. Guerriero  
Director  
Land and Chemicals Division

Enclosure

cc: Mr. Michael Gregory  
Textileather Corporation

Mr. Ed Lim  
Ohio Environmental Protection Agency

## REQUEST FOR INFORMATION

**Instructions:** You must respond separately to each of the requests or questions in this enclosure. Each of the following requests, and the terms, "Textileather" or "you" relates or refers to Textileather Corporation located at 3729 Twining Street, Toledo, Ohio. Number each response by the corresponding number of the Request for Information, as below. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the request/question to which it responds.

### Requests

1. For each answer to this Request for Information, please identify all persons consulted in preparing the answers to this Request for Information. Provide the full name, title, and contact information for these individuals, including names, addresses, and telephone numbers, for each person identified.
2. Provide information on any release of any hazardous waste, hazardous constituent or other chemicals to the environment, including but not limited to leaks, spills, fugitive dust or other means occurring on or off-site from Textileather, including type of release, estimated quantity, location, and date.
3. Provide information on actions taken in response to release(s) described above.
4. Provide descriptions of any remedial activities taken in response to release of hazardous waste, hazardous constituent or other chemicals to the environment including remedial action and reporting of releases to relevant authorities.
5. Any descriptions of remedial activity shall include but not be limited to soil or fill removal, sampling and/or treatment of groundwater, removal of NAPL, etc., including sampling results, volumes removed, purpose, size of area, dates of removal and manner of disposal.
6. Provide the final report from any environmental assessments and any other information developed for the environmental assessment including but not limited to the following:
  - a) any soil sampling analytical results including sampling date, location, depth, and purpose of sample, and any maps and sampling and analysis works plan related to the sampling events
  - b) any map showing source areas and the vertical and horizontal extent and nature of any soil or fill contamination

- c) any groundwater analytical results including sample date, location, well screen depth, purpose of samples, and sampling and analysis work plan(s) related to the sampling events
  - d) any map showing vertical and horizontal extent and nature of any groundwater contamination
  - e) any data or figures showing geological cross-sections of the site
  - f) any map showing locations of existing or historic monitoring wells and dates of installation and removal
  - g) locations of any outfalls, stormwater conveyances, industrial sewers, landfills and injection wells
  - h) any soil boring logs and well drilling logs
  - i) any map showing the extent, thickness and nature of any fill placed at the site.
9. Provide the following certification by a responsible corporate officer:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

bcc: Brian Barwick, ORC, C-14J  
Carolyn Bury, EPA, CAS2





## Land and Chemicals Division

Type of Document: 3007 Request for Information

Name of Document: Textileather Corporation, Toledo, Ohio

Document # (EPA ID# OHD 980 279 376 Originator/Phone: Carolyn Bury 6-3020

NOTE: Originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. See the plain language checklist on the reverse side of this sheet.

Date	Name	Secretary/Chief Initials
6/17/08	Author Carolyn Bury	Carolyn Bury
6-17-08	CAS2 Chief George Hamper	George Hamper
6-17-08	Asst. Reg. Counsel Brian Barwick	Brian Barwick
	<del>ORC Section Chief</del>	
6/18/08	<del>RRB</del> Chief Jose Cisneros	J. Cisneros
6/24/08	Director <del>ARRA 6/18/08</del> Margaret Guerriero	T. Manty acting for M.G.
	<del>IL/MI State Coordinator</del>	
	<del>IN/MN State Coordinator</del>	
	<del>OH/WI State Coordinator</del>	
	<del>Congressional/Intergovernmental</del>	
	<del>Relation Officer (AL/ORAC)</del>	
	<del>Deputy RA</del>	
	<del>Regional Administrator</del>	

Return for Mailing \_\_\_\_\_  
(attach official file copy/return w/originator's Copy)

Correction Required

### REMARKS/COMMENTS

CBury out of the office until July 1, 2008. Please direct questions to George Hamper (6-0987) or Brian Barwick (6-6620).

La Dawn Whitehead has electronic copy of letter.







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

Paul Little  
KCRA

AUG 15 2002

REPLY TO THE ATTENTION OF:

C-14J

Honorable Louis J. Bacci, Mayor  
Village of Cuyahoga Heights  
4863 East 71<sup>st</sup> Street  
Cuyahoga Heights, Ohio 44125

Dear Mayor Bacci:

I am in receipt of your letters of July 26, 2002 to Regional Administrator Thomas Skinner, Associate Regional Counsel Reginald Pallesen, and me regarding a pending administrative enforcement action against Research Organics, Inc. I understand your concern about the potential economic impact of the enforcement action on the company and possibly the Village. I am sure that you are also concerned about protecting the Village's environment and the health of its residents.

U.S. EPA alleges that Research Organics failed to comply for a substantial period of time with safety equipment and monitoring regulations designed to ensure against accidental release of hazardous chemicals into the environment. Although the company has come into compliance with the regulations, U.S. EPA considers the alleged past violations to be a serious matter warranting enforcement and a penalty. Nonetheless, Agency policy requires consideration of any demonstrated inability to pay a penalty. In addition, U.S. EPA remains interested in negotiating a reasonable settlement with Research Organics.

I cannot discuss the details of ongoing settlement negotiations. However, U.S. EPA will provide you with public information about this case as it becomes available. If you have additional questions regarding this matter, please contact Reginald Pallesen, Associate Regional Counsel, at (312) 886-0555.

Sincerely,

Original Signed by  
David A. Ullrich

David A. Ullrich  
Acting Regional Counsel



bcc: ORA Reading File  
ORA W/Control Slip  
Rita Cestaric  
Reginald Pallesen, ORC  
Cheryl Klebenow, ORC  
Marion Turnstill-Gale, ORC  
Cindy Dabner, RCRA  
Paul Little, RCRA  
Joe Boyle, RCRA



**Controlled Correspondence For  
REGION 5**

CONTROL NO : R5-0200163

ORIG. DUE DATE: 08/16/2002

FILE CODE: CORR-141 CONTROLLED AND MAJOR CORRESPONDENCE

STATUS: PENDING

CORRES. DATE: 07/26/2002

RECEIVED DATE: 08/02/2002

ASSIGNED DATE: 08/02/2002

CLOSED DATE:

FROM: HON. LOUIS J. BACCI - OH  
ORG: VILLAGE OF CUYAHOGA HEIGHTS  
SALUTATION: DEAR MAYOR BACCI  
CONSTITUENT:

TO: SKINNER /THOMAS  
TO ORG: REGIONAL ADMINISTRATOR  
SUBJECT: CONCERN REGARDING USEPA POTENTIAL ACTION AGAINST RESEARCH ORGANICS, INC.

ASSIGNED: Office of Regional Counsel

COPIES OF INCOMING PROVIDED TO: <sup>b<sup>c</sup></sup> ORA READING FILE, ORA W/CONTROL SLIP, RITA CESTARIC

SIGNATURE: DIVISION DIRECTOR  
R5 COMMENTS:

**R5 INSTRUCTIONS:**

	Assigned	Date Assigned	Code/Status	Date Completed by Assignee	Date Returned to R5 :
Lead	ORC	08/02/2002	ACTION	-	-



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**RESEARCH ORGANICS, INC.**

**EPA ID No. OHD 046 632 717**

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)

**Docket No. RCRA-05-2002-0008**

**CONSENT AGREEMENT AND FINAL ORDER**

**I. PREAMBLE**

On July 19, 2002, a Complaint was filed in this matter pursuant to Section 3008(a) of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Chief, Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, Region 5, United States Environmental Protection Agency (EPA). The Respondent is Research Organics, Inc.

**II. STIPULATIONS**

The Parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint, Findings of Violation and Compliance Order (Docket No. RCRA-05-2002-0008) in this matter. The Complaint is incorporated herein by reference.
2. Respondent owns and operates a facility located at 4353 East 49<sup>th</sup> Street, Cuyahoga Heights, Ohio 44125 (the "Facility").





3. Respondent admits that Complainant has jurisdiction to issue the Complaint in this matter and jurisdiction to enter into this Consent Agreement and Final Order (CAFO). Respondent agrees not to contest such jurisdiction in any proceeding to enforce the provisions of this CAFO.

4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint other than admissions made in Respondent's Answer.

5. Respondent explicitly withdraws its request for a hearing and waives any and all rights under any provisions of law to a hearing on the allegations contained in the Complaint or to challenge the terms and conditions of this CAFO.

6. If Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the EPA to bring a civil action in the appropriate United States District Court to compel compliance with the CAFO and/or to seek an additional penalty for the noncompliance.

7. Respondent consents to the issuance of the Final Order hereinafter set forth and hereby consents to the payment of a civil penalty as described below. Pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §§ 6928(c) and 6928(g), the nature of the violations, Respondent's agreement to perform a Supplemental Environmental Project (SEP) and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is forty two thousand dollars (\$42,000). Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury. In addition, Respondent hereby agrees that, within thirty (30) days of the date it submits its federal tax reports for the calendar year in which the SEP is completed, it will submit



to EPA certification that any funds expended in the performance of the SEP have not been deducted from federal taxes.

8. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of the Facility. This CAFO is binding on Respondent and any successors in interest.

9. On June 30, 1989, the State of Ohio was granted final authorization by the Administrator of the EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. § 6928, provides that EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

10. Respondent hereby certifies that, as of the date of this CAFO, Respondent is not required to perform or develop the SEP by any federal, State or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant or as injunctive relief in this or any other case or in compliance with State or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

11. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, State or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, State or local permit, nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.



12. This CAFO shall become effective on the date it is signed by the Acting Director, Waste, Pesticides and Toxics Division, U.S. EPA, Region 5.

### **III. FINAL ORDER**

Based on the foregoing stipulations, the Parties agree to the entry of the following Final Order:

A. Upon the effective date of this CAFO, Respondent shall not store hazardous waste at the Facility, except in full compliance with the applicable requirements of Ohio Administrative Code (OAC) 3745-52-34 and 40 CFR § 262.34.

B. Upon the effective date of this CAFO, Respondent shall record in a log or summary inspections of emergency equipment kept on site as required by OAC 3745-65-33.

C. Respondent shall undertake the following SEP, which the Parties agree will provide significant environmental and public health benefits. The SEP consists of: a) the installation, no later than December 31, 2004, of two storage tanks and associated equipment for the purpose of segregating spent solvent material generated on-site; and b) shipping at least 378,000 gallons per year, for a period of at least two years, of such material for use off-site as a substitute for biological waste water treatment feedstock. The SEP is more specifically described in the Supplemental Environmental Project Proposal (SEPP), attached hereto as Exhibit A and incorporated herein by reference.

D. Respondent's total expenditure for the SEP, including performance of the activities set forth in the SEPP, shall be no less than \$106,800 for installation of tanks and associated equipment, and \$436,820 within the two (2) years following completion of installation



of the tanks for implementation of the waste stream reuse program. Respondent shall provide Complainant with documentation of the expenditures made in connection with the SEP, as specified in Section III. H(b)(ii) and (c)(ii) below.

E. Respondent shall apply for and obtain all permits and approvals necessary for the implementation and completion of the SEP activities.

F. In any dispute over whether Respondent has fulfilled the requirements of the SEP as specified in Section III. C of this CAFO and the SEPP, Respondent shall bear the burden of proving that it has done so.

G. Respondent shall notify EPA within thirty (30) days of completion of installation of the tanks. Respondent shall also provide advance notification to EPA of the date of the initial shipment of the segregated waste stream to the wastewater treatment facility.

H. Respondent shall submit the following reports to EPA as described below:

(a) Quarterly progress reports for the tank construction phase of the SEP. The three-month quarter shall begin during the month this CAFO becomes effective, and the report shall be due no later than the 15th day of the month following the previous quarterly reporting period. The reports shall note the significant accomplishments and any difficulties encountered during the reporting period.

(b) A Tank Installation SEP Summary Report within thirty (30) days of completion of the installation of the tanks containing the following information:

- (i) The tank installation completion date and a detailed description of the tank installation portion of the SEP as implemented;
- (ii) Itemized costs for the tank installation portion of the SEP, documented by copies of purchase orders and receipts or canceled checks;





- (iii) with the exception of the waste stream segregation and reuse activities to be performed in the future, certification that the SEP has been implemented pursuant to the provisions of this CAFO;

(c) An annual Material Reuse SEP Summary Report, due within thirty (30) days of the anniversary of the tank installation completion date, for each of the first two (2) full years of implementation of the waste stream reuse portion of the SEP, containing the following information:

- (i) A detailed description of the SEP as implemented;
- (ii) Itemized costs for implementing the waste stream reuse portion of the SEP, including as administrative costs, freight charges, storage tank and truck washout charges, and maintenance costs, for the year, documented by copies of purchase orders and receipts or canceled checks;
- (iii) Certification that the SEP has been implemented pursuant to the provisions of this CAFO;
- (iv) A description of the environmental and public health benefits resulting from implementation of the SEP, and a best estimate quantification of the benefits and pollutant reductions obtained.

I. Any public statement, oral or written, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Resource Conservation and Recovery Act, as amended."

J. Respondent shall allow EPA to inspect the Facility at any reasonable time in order to confirm that the SEP is operating properly and in conformity with the representations made herein. All records pertaining to the SEP will be kept at the Facility and made available to U.S. EPA and Ohio Environmental Protection Agency inspectors upon request, and to any other parties requesting such information.



K. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to EPA pursuant to this CAFO. Respondent shall provide documentation of any such underlying research and data to EPA within seven (7) days of a request for such information. In all documents or reports, including, without limitation, the SEP Summary Reports, submitted to EPA pursuant to this CAFO, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

L. (a) Following receipt of the Tank Installation SEP Summary Report and each annual Material Reuse SEP Summary Report described in Section III. H(b) and (c), EPA may take one of the following actions: (i) accept the report; (ii) reject the report, notify the Respondent in writing of deficiencies in the report and grant an additional thirty (30) days in which to correct the deficiencies; or (iii) reject the report and seek stipulated penalties in accordance with Section V below.

(b) If EPA elects to exercise option (ii) above, EPA shall permit Respondent the opportunity to object in writing to EPA's notification of deficiency or disapproval given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by the EPA of Respondent's notification of objection to reach agreement. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision to Respondent. EPA's



decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Section V below.

M. Whenever, under the terms of this CAFO, notice is required to be given or a document sent by one Party to another, it shall be directed to the individuals at the addresses specified below:

As to EPA:

Michael Cunningham  
United States Environmental Protection Agency  
77 West Jackson Boulevard DE-9J  
Chicago, Illinois 60604  
(312) 886-4464

As to Respondent:

Glenn Miller  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125  
(216) 883-8025

N. Respondent shall also submit a copy of all documents and correspondence regarding this CAFO to Frank Popotnik, Supervisor, Ohio Environmental Protection Agency, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

O. Within thirty (30) days of the effective date of this CAFO, Respondent shall submit a cashier's or certified check, payable to the order of "Treasurer, United States of America," in the amount of forty two thousand dollars (\$42,000). The check shall be mailed to:



U.S. EPA, Region 5, Regional Finance Office, P.O. Box 70753, Chicago, Illinois 60673. The name of the Respondent and the Docket Number of this proceeding shall be clearly marked on the face of the check. Copies of the transmittal of the payment shall be sent to: Regional Hearing Clerk, Planning and Management Division (M-19J); Reginald A. Pallesen, Associate Regional Counsel (C-14J); and Michael Cunningham, WPTD Enforcement and Compliance Assurance Branch (DE-9J); U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Interest and late charges shall be paid as specified in Section IV below.

#### **IV. AMOUNTS OVERDUE**

Pursuant to 31 U.S.C. § 3717, Respondent shall pay the following amounts on any amount overdue under this CAFO:

A. **Interest.** Any unpaid portion of a civil or stipulated penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 CFR § 102.13(c).

B. **Monthly Handling Charge.** Respondent shall pay a late payment handling charge of \$20.00 on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains.

C. **Non-Payment Penalty.** On any portion of a civil or stipulated penalty more than ninety (90) days past due, Respondent shall pay a non-payment penalty of twelve percent (12%) per annum, which will accrue from the date the penalty payment became due and is not paid.





This non-payment is in addition to charges which accrue or may accrue under Section IV A and B.

## **V. PENALTIES FOR NONCOMPLIANCE**

A. (a) In the event that Respondent fails to comply with any of the terms or provisions of this CAFO relating to the performance of the SEP described in Section III. C and the SEPP, and/or actual expenditures for the SEP do not equal or exceed the cost of the SEP described in Section III. D above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to Section III. C, Respondent shall pay a stipulated penalty to the United States in the amount of ninety four thousand one hundred thirty eight dollars (\$94,138).

(ii) If the SEP is not completed satisfactorily, but Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not pay any stipulated penalty.

(iii) If the SEP is satisfactorily completed, but Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of twenty three thousand five hundred thirty five dollars (\$23,535).



(iv) If the SEP is satisfactorily completed, and Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not pay any stipulated penalty.

(v) For failure to submit any of the SEP Summary Reports required by Section III. H (b) and (c) above, Respondent shall pay a stipulated penalty in the amount of two hundred dollars (\$200) for each day after the due date until the report is submitted.

(vi) For failure to submit any other report or the notifications and protocol required by Sections III. G and H above, Respondent shall pay a stipulated penalty in the amount of one hundred dollars (\$100) for each day after the report was originally due until the report is submitted.

(b) In any dispute over whether the SEP has been satisfactorily completed and whether Respondent has made a good faith, timely effort to implement the SEP, Respondent shall bear the burden of proving satisfactory completion of the SEP and good faith, timely effort to implement the SEP.

(c) Stipulated penalties for subparagraphs (v) and (vi) above shall begin to accrue on the day after performance is due, and shall continue to accrue until the activity is completed.

(d) Respondent shall pay stipulated penalties within fifteen (15) days of receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Section III. O above. Interest and late charges shall be paid as stated in Section IV above.



(e) Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

B. (a) If any event occurs which causes or may cause delays in the completion of the SEP as required under this CAFO, Respondent shall notify Complainant in writing within ten (10) days of the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Respondent to prevent or minimize the delay, and the timetable by which those measures will be implemented. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular incident involved and constitute a waiver of the Respondent's right to request an extension of its obligation under this CAFO based on such incident.

(b) If the parties agree that the delay or anticipated delay in compliance with this CAFO has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time.

(c) In the event that the EPA does not agree that a delay in achieving compliance with the requirements of this CAFO has been or will be caused by circumstances beyond the control of the Respondent, EPA will notify Respondent in writing of its decision and any delays in the completion of the SEP shall not be excused.



(d) The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent shall rest with Respondent. Increased costs or expenses associated with the implementation of actions called for by this CAFO shall not, in any event, be a basis for changes in this CAFO or extensions of time under section (b) of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

## **VI. EFFECT OF SETTLEMENT**

A. This CAFO constitutes the entire settlement between the parties, and constitutes final disposition of the Complaint filed in this case.

B. Each party shall bear its own costs and attorneys' fees in the action resolved by this CAFO.

C. Respondent's obligations under this CAFO shall end when it has satisfied all of the requirements of Section III of this CAFO (including full payment of the civil penalty) and, if applicable, full payment of any amounts overdue pursuant to Section IV of this CAFO, and/or full payment of stipulated penalties due and owing pursuant to Section V of this CAFO.

D. The information required to be maintained or submitted pursuant to this CAFO is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.

## **VII. RESERVATION OF RIGHTS**

Notwithstanding any other provision of this Final Order, EPA expressly reserves any and all rights to bring an enforcement action pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973,





or other statutory authority should EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the Facility may present an imminent and substantial endangerment to health or the environment. EPA also expressly reserves the right: (1) for any matters other than violations alleged in the Complaint, to take any action authorized under Section 3008 of RCRA; (2) to enforce compliance with the applicable provisions of the Ohio Administrative Code; (3) to take any action under 40 CFR Parts 124 and 270; and (4) to enforce compliance with this CAFO.

### VIII. SIGNATORIES

Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of 15 pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this 16th day of April, 2003

**RESEARCH ORGANICS, INC.**

By: *Pat Stump*

Title: President and CEO

US ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

03 APR 21 P 3:44

RECEIVED  
REGIONAL HEARING  
CLERK



Agreed to this 21<sup>st</sup> day of April, 2003.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: Joseph M. Boyle  
Joseph M. Boyle, Chief  
Waste, Pesticides and Toxics Division  
Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5,  
Complainant

The above being agreed and consented to, it is so ordered

this 21<sup>st</sup> day of April, 2003.

By: Josi Livneer  
for Phyllis Reed, Acting Director  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency, Region 5

US ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

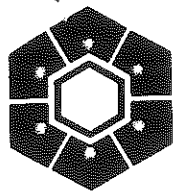
03 APR 21 P 3:44

RECEIVED  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125  
DOCKET NO. RCRA-05-2002-0008



## EXHIBIT A



**RESEARCH  
ORGANICS**  
ISO 9001 CERTIFIED

4353 East 49th Street, Cleveland, Ohio 44125  
Toll Free: (800) 321-0570 • International: (216) 883-8025  
Facsimile: (216) 883-1576 • Tech Support: (800) 334-0144  
E-Mail: info@resorg.com • www.resorg.com



### Supplemental Environmental Project (SEP) Proposal

**Project Name:** Hazardous Waste Reduction Program - Reuse of Alcohol Streams

**Project Location:** Research Organics, Inc.  
EPA ID# OHD046632717  
Address: 4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125  
County: Cuyahoga

**Project Manager:** Mr. Glenn Miller  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio 44125  
Phone: (216) 883-8025 x 134  
Fax: (216) 883-1576  
E-Mail: gmiller@resorg.com

Organization conducting project: Research Organics, Inc.  
Person submitting status reports: Mr. Michael McCormick

**Project Type:** Pollution Prevention/Reduction

**Project Description:** Currently, Research Organics, Inc. generates significant quantities of listed hazardous waste which, through proper characterization and segregation, we believe could be reused as recovered alcohol. The most attractive use of these waste streams would be for waste water treatment, because this application would not only reduce the volume of hazardous waste that must presently be managed under the RCRA program, but it would also serve to enhance the environment by allowing the alcohol to remove ammonia from waste water.

#### Expected Environmental Benefit:

##### Background:

The waste covered in this SEP is currently identified as a F003 and D001 Hazardous Waste. The material is generated through various batch processes that use Methanol or Isopropanol as a solvent to suspend the final product in its solid version. The solids are removed through filtration or centrifuge while the solvent is piped to the Hazardous Waste Tank. The waste material is currently sent to cement kilns for Energy Recovery (H051 and H061) as Hazardous Waste.



Research Organics, Inc. proposes to segregate the solvents in separate tanks based on reuse value in the wastewater treatment industry. The following table shows the projected volumes based on the current year's disposal records:

Reclassification using 2002 volumes: (gallons)

Month	Total Waste	Reuse as RES0051M-A000X	Reuse as RES1322A-A000X	Remaining as Hazardous Waste
January	99,802		51,198 (51.3%)	48,604 (48.7%)
February	77,639		32,143 (41.4%)	45,496 (58.6%)
March	62,232		26,262 (42.2%)	35,970 (57.8%)
April	76,029		40,447 (53.2%)	35,582 (46.8%)
May	67,796	14,845 (21.9%)	20,535 (30.3%)	32,416 (47.8%)
June	55,952	12,307 (22.0%)	3,917 (7.0%)	39,728 (71.0%)
July	43,809		16,078 (36.7%)	27,731 (63.3%)
August	57,156		24,006 (42%)	33,150 (58%)
September	61,339		29,443 (48%)	31,896 (52%)
October	50,840		30,402 (59.8%)	20,438 (40.2%)
November	70,256	14,086 (20.0%)	28,594 (40.7%)	27,576 (39.3%)
December	77,493	16,000 (20.6%)	20,613 (26.6%)	40,880 (52.8%)
TOTALS:	800,343	57,238 (7.2%)	323,638 (40.4%)	419,467 (52.4%)

There will be a 47.6% average reduction in the generation of Hazardous Waste per year.

**Reporting:** A.) Initial: Research Organics, Inc. will provide progress reports on installation and implementation including invoices to verify and document proper expenditure of SEP funds..

B.) On-going: Research Organics, Inc. will generate tank logs identifying material and volumes going to each tank.

**Prior Commitments and/or Regulatory Requirements:** None

**Project Cost:** Implementation of the program by Research Organics, Inc. would require installation of additional tankage, proper diking, monitoring equipment (level sensors) and other ancillary changes. Estimates of the costs to implement this project are as follows:

Dike – 20' x 35' x 4'	\$ 40,000
Two storage tanks @ \$16,000 each	\$ 32,000
Steel deck, ladder, steps, etc.	\$ 15,000
Level sensors	\$ 10,000
Pipelines and valves (materials)	\$ 5,000
Labor – mechanical – 2 workers, 80 hrs.	\$ 3,200
Labor – electrical – 2 workers, 40 hrs.	\$ 1,600
<b>TOTAL ESTIMATED COST</b>	<b>\$ 106,800</b>

**Projected Saving:** There is a calculated negative payback of between -\$850 and -\$21,850. If not for the beneficial environmental impact of proceeding with this project, this would be an unacceptable project.





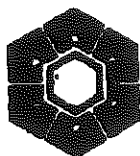
**Project Schedule:** Research Organics, Inc. will be required to obtain local building permits from the village of Cuyahoga Heights. Building permits require engineering drawings approved by City Building Inspector, which take 2 to 4 weeks to obtain. In addition, Permits to Install will be required from the EPA-Air Division.

Actual purchase and installation will require **6 to 9 months after all necessary permits are obtained.**

<u>I. Planning</u>	11 to 13 weeks
Engineering	
Permits	
City	
EPA-Air Division (3 to 9 months)	
May require performance testing under MACT Standard (1 day)	
In-House	
<u>II. Purchasing</u>	12 to 14 weeks
2 Tanks	
Sensors	
Valves, Fittings, etc.	
Instruments	
<u>III. Construction</u>	13 to 15 weeks
Dike	
Install Tanks	
Steps & Decks	
<u>IV. Instrumentation</u>	2 to 4 weeks
Sensors & Misc. Equipment	
<u>V. Inspections</u>	1 to 3 Days (Initial, Middle, and Completion)
City	

**Availability of Other Funding:** There is no other funding for this SEP project.





# RESEARCH ORGANICS

ISO 9001 CERTIFIED

2553 East 49th Street, Cleveland, Ohio 44125  
 Toll Free: (800) 321-0570 • International: (216) 883-8025  
 Facsimile: (216) 883-1576 • Tech Support: (800) 334-0144  
 E-Mail: [info@resorg.com](mailto:info@resorg.com) • [www.resorg.com](http://www.resorg.com)



MANUFACTURER AND INNOVATOR OF HIGH PURITY BIOCHEMICALS

June 6, 2002

The Honorable Christine T. Whitman  
 US EPA Administrator  
 1101A  
 US EPA Headquarters  
 Ariel Rios Building  
 1200 Pennsylvania Avenue, N.W.  
 Washington, D.C. 20460

RECEIVED

EXEC. SECRETARIAT

Dear Ms. Whitman,

I am writing to you requesting your assistance on behalf of my company, Research Organics, Inc., a biochemical manufacturer based in Cuyahoga Heights, Ohio. A small business for most of our 50 years, Research Organics has grown to employ about 85 people, having doubled in the past 10 years. Recently, the Village of Cuyahoga Heights and the County Commissioners granted Research Organics Inc. an Enterprise Zone Agreement to assist in our \$2.7 million facilities expansion, which we expect will increase our employment by 23% over the next three years. This program has been proceeding well, but recent developments involving the US EPA now threaten future expansion and jeopardize the objectives outlined in the Enterprise Zone Agreement. In an effort to keep our business viable and expanding, we seek your assistance and any guidance you can offer to help resolve these EPA issues.

Following an on-site inspection and a meeting with the US EPA in Chicago, the US EPA is now preparing to file an administrative complaint within the next two weeks against Research Organics seeking a civil penalty of approximately \$300,000. Although both the US EPA (in their on-site inspection of August 22, 2001) and the Ohio EPA (in January, 2000) found that Research Organics is conscientiously handling all waste, abiding by all permits and that no emissions to the environment (like a spill of the tank farm) has occurred, they found some clerical oversights that they somehow deemed serious enough to assess this outrageous fine.

Simply stated, the major "deficiency" is that the hazardous waste tank was not certified by a third-party chemical engineer prior to being put in service August 26, 1998. It matters not that it was selected by a trained chemical engineer, properly installed and diked, inspected by the city and fire department, and has posed no problems to the environment since its installation. It also does not matter that the tank was found to be of appropriate design with sufficient structural integrity when an outside chemical engineer inspected it and found it to be certifiable on November 16, 2000. All that seems to matter is the missing piece of paper (tank certification) pre-dating August 26, 1998.

The second area cited was not conducting Method 21 monthly testing on all pumps and valves in the hazardous waste service line. Even though we clearly demonstrated to the US EPA that the operator stands directly over the pump during operation and could detect immediately (both visually and by smell) any leaks, our preventive maintenance program and this immediate means of detecting any problems was still considered an inadequate substitute for a once-per-month Method 21 test. Keep in mind the "hazardous waste" we are referring to is primarily methanol which is the major component of windshield washer fluid (squirted all over our vehicles and highways daily). Even though we have now added the extra expense of Method 21 testing to get into official compliance, we still would not want to allow a leak to go undetected for potentially 30 days between Method 21 tests and continue our "best available technology" (our eyes and nose) to prevent methanol spills from pumps, hoses or valves.

1-22 W



**RESEARCH  
ORGANICS**

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**MANUFACTURER AND INNOVATOR OF HIGH PURITY BIOCHEMICALS**

The final "sin" was marking a drum containing a small amount of used vacuum pump oil as "waste oil" instead of "used oil". Even though it was being accumulated and disposed of properly, was protected from spillage, was properly sealed, and the label was immediately "corrected", it became a picaresque basis on which to run up the fine.

At Research Organics, we take our responsibility to protect the environment and comply with environmental laws extremely seriously. We employ full-time E & S staff and have invested heavily in equipment, facility upgrades and processes in an expansive effort to voluntarily comply with an ever-increasing volume of regulations. To date, all of the alleged violations have been addressed. There was never any release or harm to human health or to the environment. As a family-owned, privately held business that manufactures high purity biochemicals used in the health care industry to research, diagnose and fight disease, we make every effort to ensure the health of our workers and the community.

That is why the very large proposed fine is so surprising. It is totally out of proportion to the offenses alleged and the size of our company. Furthermore, it is clearly apparent that none of these cited "violations" were malicious, intentional, or as serious as, for example, an illegal dumping violation. Yet, far more potentially damaging acts like Chemtron Corporation recently sending hazardous waste to a non-permitted landfill resulted in only a \$10,000 fine from the Ohio EPA. If this and other minimal fines to larger corporations can be cited, is the US EPA trying to demonstrate (using Research Organics as its example) how the Ohio EPA should be increasing their enforcement and fines? If so, as stated above, this approach could put our current expansion plans at risk. An action of the kind proposed by the EPA could jeopardize the existence of companies such as ours.

We are now working through the US EPA legal bureaucracy in an attempt to significantly reduce this disproportionate, pending fine. To date, we have spent more than \$12,000 in legal fees, and we expect this figure to rise exponentially as we pursue all appeals. That is why we are now requesting your assistance to contact the head of the US EPA's Chicago office on our behalf to facilitate a rational assessment of the alleged violations and resultant penalties proportionate to the true severity of those oversights.

If you would like to discuss this matter further, please contact me @ 800-321-0570, ext. 143, or e-mail @ [rsternfeld@researchorganics.com](mailto:rsternfeld@researchorganics.com). I would very much appreciate hearing from you.

Thank you, in advance, for your cooperation and assistance.

Best regards,

Robert G. Sternfeld  
President and CEO  
Research Organics, Inc.  
4353 East 49<sup>th</sup> Street  
Cuyahoga Heights, Ohio  
44125-1083





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
DE-9J

APR 25 2002

Martin S. Seltzer  
Counsel for Research Organics  
Porter Wright Morris & Arthur  
41 South High Street  
Columbus, Ohio 43215-6194

Re: Opportunity to Confer  
Research Organics  
OHD 046 632 717

Dear Attorney Seltzer:

The United States Environmental Protection Agency (U.S. EPA) Waste, Pesticides and Toxics Division, Enforcement and Compliance Assurance Branch received your letter, dated March 29, 2002, requesting an opportunity to discuss matters outlined in the Pre-filing Notice and Opportunity to Confer Letter, dated March 27, 2002. U.S. EPA agrees to meet with you on April 29, 2002 at 10:30 a.m. on the 9<sup>th</sup> Floor of the Metcalfe Federal Building located 77 West Jackson Boulevard, Chicago, Illinois 60604.

You also requested a copy of the penalty calculations. Enclosed you will find the penalty summary that you requested.

If you have any questions concerning this letter, please contact Cindy Dabner of my staff at (312) 886-0743.

Sincerely yours,

A handwritten signature in cursive script that reads "Paul Little".

Paul Little, Chief  
Compliance Section 2  
Enforcement and Compliance Assurance Branch  
Waste, Pesticides and Toxics Division

Enclosure





ATTACHMENT A

PENALTY SUMMARY SHEET

Research Organics

NATURE OF VIOLATION DATE OF VIOLATION	CITATION OF REGULATION OR LAW	HARM/ DEVIATION	GRAVITY- BASED PENALTY	MULTI-DAY PENALTY	ECONOMIC BENEFIT	TOTAL PENALTY
COUNT 1: Storage of hazardous waste without a permit or interim status by failing to comply with design and installation of new tank systems or components requirements. August 26, 1998 to June 19, 2001.	OAC 3745-66-92(A) 3745-52-34	Moderate/ Major	\$10,450	\$255,970	\$0	\$266,420
Count 2: Storage of hazardous waste without a permit or interim status by failing to comply with air emissions standards for equipment leaks requirements. August 1998 to August 2001.	40 CFR 265.1052(a)(1) 265.1057(a) 265.1063(b) 262.34(a)(1)(ii)	Moderate/ Major	\$10,450	\$51,480	\$0	\$61,930
Count 3: Failure to conduct weekly inspections of fire protection equipment.	OAC 3745-65-33 (A-B)	Minor/ Minor	\$330	*\$0	\$0	\$330
Count 4: Failure to mark or label containers or aboveground tanks used to store used oil.	OAC 3745-279- 22(c)(1)	Minor/ Minor	\$330	*\$0	\$0	\$330
						TOTAL: \$329,010

\* Multi-day penalties are discretionary for minor/minor violations.



bcc: Branch File  
Section File

C:\documents\Inspection Doc\R0repconfr.wpd

**ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	COMPLIANCE 1 SECTION CHIEF	COMPLIANCE 2 SECTION CHIEF	CORRECTIVE ACTION SECTION CHIEF	ECAB BRANCH CHIEF	WPTD DIVISION DIRECTOR
CMD April 10, 2002		FL 4-2-02			



**PORTER WRIGHT MORRIS & ARTHUR** LLP  
Attorneys & Counselors at Law

Martin S. Seltzer  
614-227-2050  
mseltzer@porterwright.com

41 South High Street  
Columbus, Ohio 43215-6194

Facsimile: 614-227-2100  
Toll Free: 800-533-2794

March 29, 2002

**VIA OVERNIGHT DELIVERY**

Ms. Cindy Dabner, DE-9J  
Enforcement and Compliance Assurance Branch  
U.S. EPA Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

Re: Research Organics  
Pre-Filing Notice and Opportunity to Confer

Dear Ms. Dabner:

This letter is to notify you that Research Organics wishes to meet with you to discuss the above referenced matter, which the Company learned of on March 28. At such meeting Research Organics intends to provide information regarding the alleged violations of law.

In order to make the meeting as productive as possible, we request that you fax or e-mail a copy of the penalty calculation worksheet that was completed by your Agency in determining the amount of the preliminary penalty of \$329,010. My fax and e-mail information are provided above.

Sincerely,



Martin S. Seltzer  
Counsel for Research Organics

MSS:clk  
cc: R. Sternfeld  
G. Miller



7099 3400 0000 9586 8578

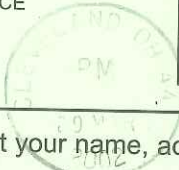
U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
Article Sent To: <b>Rob Sternfeld</b>	
Postage	\$ <b>.80</b>
Certified Fee	<b>2.10</b>
Return Receipt Fee (Endorsement Required)	<b>1.50</b>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <b>4.40</b>
Name (Please Print Clearly) (to be completed by mailer) <b>C. Debnier</b> Street, Apt. No., or PO Box No. <b>U.S. EPA - Region 5</b> City, State, ZIP+4 <b>77 W. Jackson Blvd. DE-91</b> <b>Chicago, IL 60604</b>	

PS Form 3800, July 1999 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Received by (Please Print Clearly) _____ B. Date of Delivery _____	
1. Article Addressed to: <b>Rob Sternfeld, President</b> <b>Research Organics</b> <b>4353 East 49th St.</b> <b>Cleveland, OH 44125</b>	C. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label) <b>7099 3400 0000 9586 8578</b>		

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Cindy Dabner  
U.S. EPA- Region 5  
77 W. Jackson Blvd, DB-9J  
Chicago, IL 60604

60604+3311







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

DE-9J

March 27, 2002

**CERTIFIED MAIL** 7099 3400 0000 9586 8578  
**RETURN RECEIPT REQUESTED**

Rob Sternfeld, President  
Research Organics  
4353 East 49<sup>th</sup> Street  
Cleveland, Ohio 44125

RE: Pre-filing Notice and Opportunity to Confer  
Research Organics

Dear Mr. Sternfeld:

This letter is to notify you that the United States Environmental Protection Agency (U.S. EPA) is prepared to file an administrative complaint for civil penalties against Research Organics. We are also offering you an opportunity to confer with us in advance of our filing a complaint.

On August 22, 2001, U.S. EPA conducted a hazardous waste inspection at your facility, Research Organics, located at 4353 East 49<sup>th</sup> Street, Cleveland, Ohio. Based on information collected during the inspection and documents provided by Research Organics, U.S. EPA has determined that Research Organics may have violated certain requirements of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., as amended and the Ohio Administrative Code. Specifically, these violations include the following:

- OAC Rule 3745-66-92(A)(1)[40 CFR 265.192] which states that owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls(if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with paragraph (D) of OAC rule 3745-50-42 attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of

hazardous waste. Research Organics failed to follow design and installation of new tank system or component requirements. Tank 4 was installed and placed into service on August 26, 1998. Tank 4 was not certified acceptable for storage of hazardous waste until June 19, 2001. This resulted in a thirty-four month period in which a written assessment was not certified by an independent, qualified, registered professional engineer in accordance with paragraph (D) of OAC rule 3745-50-42 attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

- 40 CFR 265.1052(a)(1) which states that each pump in light liquid service shall be monitored monthly to detect leaks by methods specified in 40 CFR 265.1063(b), Method 21. Research Organics failed to follow Subpart BB requirements. This resulted in thirty-six month period that spanned from August 1998 through August 2001 in which no monthly monitoring was conducted in accordance with Method 21.
- 40 CFR 265.1057(a) which states that each valves in light liquid service shall be monitored monthly to detect leaks by methods specified in 40 CFR 265.1063(b), Method 21. Research Organics failed to follow Subpart BB requirements. This resulted in thirty-six month period that spanned from August 1998 through August 2001 in which no monthly monitoring was conducted in accordance with Method 21.
- OAC Rule 3745-279-22(c)(1) [40 CFR 279.22(c)(1)] which states that containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil." At the time of the inspection, one 55 gallon drum containing used oil was observed not marked with the words "Used Oil."
- OAC Rule 3745-65-33(A-B) [40 CFR 262.33] which states that:  
(A) all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be inspected on a weekly basis and tested and maintained as necessary to assure its proper operation in a time of emergency; and (B) The owner or operator shall record the weekly inspections in a log or summary. He shall keep these records for at least three years for the date of the inspection. At a minimum, these records shall include the date and time of the inspection, the name of the person performing the inspection, a notation of the observations made, and the date and nature of any test and any repairs or

other remedial actions. At the time of the inspection, it was observed that emergency equipment inspections were not conducted weekly and were not recorded in a log in accordance with OAC Rule 3745-65-33(B).

Based on the relevant liability and penalty information currently available to us, we have calculated a preliminary penalty of \$329,010 for the complaint. This potential penalty reflects our preliminary view of the gravity and duration of the violation, without regard to the "adjustment" factors discussed below and in the RCRA Civil Penalty Policy. The final penalty we propose in the complaint may differ from this figure, based upon our consideration of any relevant new information you provide, and upon our further consideration of the Penalty Policy's adjustment factors.

This letter is not a demand to pay a penalty. We will not ask you to pay a penalty until we file the complaint or a final order. Before filing the complaint, we are giving you the opportunity to present any information that you believe we should consider regarding your liability for these violations and an appropriate penalty for them. You may present this information in writing or in a meeting with U.S. EPA representatives. Relevant information regarding liability might include evidence that you did not violate the law or evidence that we identified the wrong party.

You may also present information that you believe is relevant to the amount of our proposed penalty. Under RCRA we are required to consider the seriousness of the violation and any good faith efforts your company made to comply with the requirement violated. Factors relevant to the seriousness of the violation include, but are not limited to, the risks of exposure to hazardous wastes from the violation, the potential seriousness of contamination that could have resulted from the violation, the extent to which your company deviated from the requirement, and how many days the violation lasted. Factors relevant to good faith efforts your company made to comply could include evidence that you relied on compliance assistance from U.S. EPA or a state agency.

The RCRA Civil Penalty Policy "adjustment factors" relevant to penalty include (1) any good faith efforts your company made to comply with the requirement violated, (2) the expenses your company delayed or avoided by not complying with the requirement(s), (3) the degree to which the violation was willful, (4) whether your company has a prior history of not complying with RCRA, (5) financial inability to pay, and (6) other

unique factors. Information relevant to good faith efforts to comply with the requirement may include, for example, records documenting actions the company took to comply prior to the time that U.S. EPA or another governmental agency first discovered the violations in this case.

Additionally, if your company notifies us that it may be financially unable to pay a penalty of \$329,010, we will consider its ability to pay prior to finalizing our penalty proposal and filing a complaint, provided that you submit to us required financial documentation to support such a claim. Accordingly, if you believe that your company may be financially unable to pay a \$329,010 penalty, please provide us certified financial statements, including balance sheets, and your company's income tax returns with all schedules, for the past three years. We will not consider an "ability to pay" claim without such financial information.

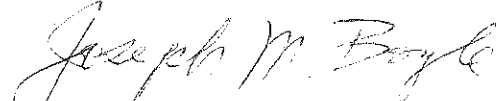
You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, U.S. EPA may make all submitted information available, without further notice, to any member of the public who requests it.

If you choose to respond to this letter or to confer with us, you should contact Cindy Dabner, of the Enforcement and Compliance Assurance Branch, in writing within ten business days of your receipt of this Notice. Please be advised that this conference is not a settlement negotiation covered by Federal Rule of Evidence 408; we may use any information you submit in support of an administrative, civil or criminal action. At the conclusion of the conference or thereafter (or after you have completed a written reply if you do not wish to have a conference), we may give you the opportunity to engage in settlement negotiations before we file the complaint. In the event that pre-filing settlement negotiations commence and are successful, a settlement agreement can be filed simultaneously with the complaint, under Agency regulations at 40 CFR 22.13(b).

If you decide not to respond to this letter or to confer with us, U. S. EPA may proceed with enforcement action against Research Organics as authorized under Sections 3008(a) of RCRA, 42 U.S.C. §§ 6928(a), including the assessment of appropriate civil penalties.

A copy of the inspection report and a document "U.S. EPA Small Business Resources" are enclosed for your reference. If you have any technical questions regarding the alleged violations, please contact Cindy Dabner at (312) 886-0743. You should direct legal inquiries to Reginald Pallesen, Associate Regional Counsel, at (312) 886-0555.

Sincerely,

A handwritten signature in cursive script, reading "Joseph M. Boyle".

Joseph M. Boyle, Chief  
Enforcement and Compliance Assurance Branch  
Waste, Pesticides and Toxics Division

Enclosures

cc: Harry Sarvis, OEPA



bcc: Reginald Pallesen, ORC  
Author's copy  
Section Copy ✓  
Branch Copy

**ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH**

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
				<i>VAS 20/11/02</i>
AUTHOR/ TYPIST	COMPLIANCE SECTION 2 SECTION CHIEF	ASSOC REG COUNSEL	ORC SECTION CHIEF	ECAB BRANCH CHIEF
<i>FEB 28, 2002</i>	<i>PL</i> <i>3-19-02</i>	<i>AL 3/12</i>		<i>JMP 3/25/02</i>





bcc: Reginald Pallesen, ORC  
Author's copy  
Section Copy  
Branch Copy

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## U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

#### *EPA's Home Page*

<http://www.epa.gov>

#### *Small Business Assistance Programs*

<http://www.epa.gov/ttn/sbap>

#### *Compliance Assistance Home Page*

<http://www.epa.gov/oeca/oc>

#### *Office of Site Remediation Enforcement*

<http://www.epa.gov/oeca/osre>

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

#### **EPA's Small Business Ombudsman**

(800) 368-5888

#### **Hazardous Waste/Underground Tanks/ Superfund**

(800) 424-9346

#### **National Response Center**

(to report oil and hazardous substance spills)

(800) 424-8802

#### **Toxics Substances and Asbestos Information**

(202) 554-1404

#### **Safe Drinking Water**

(800) 426-4791

#### **Stratospheric Ozone and Refrigerants Information**

(800) 296-1996

#### **Clean Air Technical Center**

(919) 541-0800

#### **Wetlands Hotline**

(800) 832-7828

Continued on back



## **Compliance Assistance Centers**

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

### **Metal Finishing**

(1-800-AT-NMFRC or [www.nmfrc.org](http://www.nmfrc.org))

### **Printing**

(1-888-USPNEAC or [www.pneac.org](http://www.pneac.org))

### **Automotive Service and Repair**

(1-888-GRN-LINK or [www.ccar-greenlink.org](http://www.ccar-greenlink.org))

### **Agriculture**

(1-888-663-2155 or [www.epa.gov/oeca/ag](http://www.epa.gov/oeca/ag))

### **Printed Wiring Board Manufacturing**

(1-734-995-4911 or [www.pwbrc.org](http://www.pwbrc.org))

### **The Chemical Industry**

(1-800-672-6048 or [www.chemalliance.org](http://www.chemalliance.org))

### **The Transportation Industry**

(1-888-459-0656 or [www.transource.org](http://www.transource.org))

### **The Paints and Coatings Center**

(1-800-286-6372 or [www.paintcenter.org](http://www.paintcenter.org))

## **State Agencies**

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

## **Compliance Incentives**

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

[smbusi.html](http://www.epa.gov/oeca/smbusi.html)). These do not apply if an enforcement action has already been initiated.

## **Commenting on Federal Enforcement Actions and Compliance Activities**

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

## **Your Duty to Comply**

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that you, business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

DATE: September 10, 2001

SUBJECT: CEI Inspection Report  
Research Organics  
Cleveland, Ohio

FROM: Cindy Dabner  
Environmental Scientist

TO: File

Inspection Date: August 22, 2001

Facility: Research Organics  
4353 East 49<sup>th</sup> Street  
Cleveland, Ohio 44125

Facility EPA ID #: OHD 046 632 717

SIC Code: 2836, 2869, and 2899

EPA Representatives: Cindy Dabner, ECAB/CS2  
Environmental Scientist  
(312) 886-0743

State Representative(s): NA

Facility Representative(s): Mike McCormick  
Environmental and Safety Systems  
Manager  
Office (216) 883-8025 Ext. 134  
Fax (216) 883-1576

Glenn S. Miller  
Purchasing/Materials Manager  
Office (216) 883-8025 Ext.168  
Fax (216) 883-1576

Megan Jolly  
Safety Specialist  
Office (216) 883-8025 Ext. 154  
Fax (216) 883-1576

**Report Prepared By:** Cindy Dabner

**Purpose of Inspection:**

This was a federally lead follow-up CEI inspection.

**Facility Background:**

Research Organics is a primary manufacturer and supplier of high purity bulk and laboratory bio-chemicals that are used in molecular biology, cloning applications, diagnostic chemicals and cell culture. Research Organics' broad product line also includes biological buffers, molecular bio-chemicals, enzyme substrates, fluorescent compounds, amino acid derivatives, ACS reagents, neuro-chemicals and plant tissue culture reagents.

**Previous Inspection Findings:**

During the July 26, 1999 inspection, U.S. EPA Region 5 representatives found violations of the following requirements:

- Hazardous Waste Determination
- Training
- Pre-Transport
- Container Use and Management
- Tank System
- Subpart CC
- Subpart BB
- Tanks System Containment Detection
- Contingency Plan and Emergency

Research Organics periodically updated U.S. EPA Region 5 on the above violations as they were corrected.

**Waste Generated:**

Typical hazardous waste generated at Research Organics includes the following: methanol solution from the production of organic buffers; methylene chloride solution from the production of organic buffers; spill clean-up waste; waste from tank cleaning; sludge from sewer trap, mercury from thermometers, metal bearing waste; and waste from lose packs. The EPA waste codes for the waste solvents include F003, F005, and D001.

**Entry Procedures:**

On August 22, 2001, a compliance enforcement inspection (CEI) was conducted at Research Organics, by the United States Environmental Protection Agency (U.S. EPA), Region 5, Enforcement and Compliance Assurance Branch representative, Cindy Dabner. Upon arriving to the installation, I identified myself and

explained the purpose of the inspection to the receptionist. I also presented my credentials and informed Mr. Mike McCormick, Research Organic's Environmental and Safety System Manager, that the purpose of my visit was to conduct a follow-up RCRA hazardous waste inspection.

**Walk Through Inspection:**

Research Organics representatives, Mr. Mike McCormick, Mr. Glenn Miller, and Ms. Megan Jolly escorted me on an inspection of areas where hazardous waste is managed and stored. The inspection included a visual inspection of the Tank Farm, the Receiving Building (Less Than 90 Day Storage Area), Building #2, Room 112, (Less than 90 Day Storage Area), and the Molecular Biology Department.

The inspection started at the Tank Farm where six tanks were located. Research Organics Representative, Mr. McCormick informed U.S. EPA Region 5 representative, Cindy Dabner, that tanks numbered 1 through 3 stored raw material and he stated that Tank 4 stored hazardous waste, primarily methanol. Mr. McCormick also informed U.S. EPA that Tank 5 and Tank 6 stored recovered material that is exempted from hazardous waste regulation.

According to Research Organics' information request response on May 5, 2000, Tank 4 was installed and placed into service on August 26, 1998. Based on Research Organics' information request response on August 22, 2001, Tank 4 was not certified acceptable for storage of hazardous waste until June 19, 2001. Failure to have a written assessment certified by a independent, qualified, registered professional engineer attesting that the system has sufficient structural design and is acceptable for storing hazardous waste is a violation of OAC 3745-66-92(A) [40 CFR 265.192(A)]

During the July 26, 1999, U.S. EPA inspection, several tank violations were noted for Tank 4. Many of these violations were corrected prior to the August 22, 2001 inspection. However, the following tank violations remained out of compliance at the time of the August 22, 2001 inspection:

- Failure to monitor each pump in light liquid service each month in compliance with Method 21 - 40 CFR Part 265.1052(a)(1).
- Failure to monitor each valve in light liquid service each month in compliance with Method 21 - 40 CFR Part 265.1057(a).

Mr. McCormick provided the following information concerning Tank 4:

- Written Assessment Documentation August 1999
- Tank#4 Certification Documentation June 2001
- Volatile Organic Concentration/Maximum Organic Pressure July 2000
- Control Device Installation Invoice/Receipt January 2000
- Installation of External Liner Capacity System July 2000
- Installation of Chemical Resistant Water Stops July 2000
- Installation of an Impermeable Interior Coating July 2000
- Installation of Secondary Containment for Ancillary Equipment July 2000
- Repair of Cracks in Secondary Containment for Tank#4 July 2000

The follow-up inspection continued on to the Receiving Building (Less than 90 Day Storage Area). At the time of the inspection, universal waste and emergency spill equipment was located at the Less than 90 Day Storage Area. I observed the following items at the Less than 90 Day Storage Area:

- One 20 gallon container was labeled as a hazardous waste corrosive liquid, inorganic. The accumulation start date was marked as 6/14/01 with EPA waste coded D002, D005, D006, D007, D008, and D010. No hazardous waste deficiencies were observed at this location at the time of the inspection.
- One 20 gallon container was labeled as a cyanide organic waste. The accumulation start date was marked as 8/14/01 with EPA waste codes. No hazardous waste deficiencies were observed at this location at the time of the inspection.
- Three 5 gallon containers were labeled as phenol waste. The accumulation start date was marked respectively as 6/14/01, 8/16/01, 8/16/01 with EPA waste codes. No hazardous waste deficiencies were observed at this location at the time of the inspection.
- One 4 liter container was labeled as Metal Bearing Waste. The accumulation start date was marked as 6/12/01 with EPA waste codes. No hazardous waste deficiencies were observed at this location at the time of the inspection.

The next area inspected was the Satellite Accumulation Area which



was located in Building #6 at the time of the inspection. At this location the following items were observed:

- One 20 gallon container was labeled as Metal Bearing Waste. No hazardous waste deficiencies were observed at this location at the time of the inspection.
- Three liter containers that were labeled as Heavy Metals Waste. No hazardous waste deficiencies were observed at this location at the time of the inspection.
- One liter container that was labeled Phenol Waste. No hazardous waste deficiencies were observed at this location at the time of the inspection.

The inspection then moved to Building #2, Room 112 where Research Organics' second Less Than 90 Day Storage Area was located at the time of the inspection. I observed the following items at the Less than 90 Day Storage Area:

- One 55 gallon drum labeled waste-oil. This drum should have been marked as used-oil as outlined in OAC 3745-279-22(c)1 [40 CFR 279.22(c)(1)]. This deficiency was corrected at the time of the inspection.
- Three 55 gallon drums that was labeled as Methanol Solution. The accumulation start date was marked as 7/25/01 with F003 EPA waste codes. No hazardous waste deficiencies were observed at this location at the time of the inspection. A hood ventilation system was installed along with a funnel to meet Subpart CC requirements.
- One 20 gallon container that was labeled as an Halogenated Solvent Waste. The accumulation start date was marked as 7/25/01 with a F003 EPA waste code. No hazardous waste deficiencies were observed at this location at the time of the inspection.

Weekly container inspections were conducted but emergency equipment was not inspected on a weekly basis. Because emergency equipment was not inspected weekly, Research Organics failed to meet the requirements of OAC 3745-65-33(a) [40 CFR 265.33]. Additionally, emergency equipment inspections were not recorded in a log as required by OAC 3745-65-33(B).

Finally the inspection moved to the Molecular Biology Department, Building #1. At this location laboratory pack waste was stored at the satellite accumulation area. No hazardous waste

deficiencies were observed at this location at the time of the inspection.

**Record Review:**

The inspection proceeded to the review of records in accordance with requirements for Large Quantity generators (LQG) generating 100-1000 kilograms of hazardous waste per month. The primary waste streams at Research Organics include: methanol solution from the production of organic buffers; methylene chloride solution from the production of organic buffers; spill clean-up waste; waste from tank cleaning; sludge from sewer trap; mercury from thermometers; metal bearing waste; and waste from lose packs.

*Manifest*

Manifest were reviewed for calendar years 2001, 2000, and 1999. No discrepancies were observed for the manifests that were reviewed.

*Land Disposal Restriction Requirements*

No discrepancies were observed for the LDRs reviewed.

*Emergency Procedures/Preparedness*

The contingency plan was reviewed and appeared and meet emergency procedure/preparedness requirements. At the time of the inspection, no discrepancies were observed.

*Personnel Training*

Training records were reviewed for personnel handling hazardous waste. At the time of the inspection, no discrepancies were observed.

A copy of the inspection report and a document "U.S. EPA Small Business Resources" are enclosed for your reference. If you have any technical questions regarding the alleged violations, please contact Cindy Dabner at (312) 886-0743. You should direct legal inquiries to Reginald Pallesen, Associate Regional Counsel, at (312) 886-0555.

Sincerely,

Joseph M. Boyle, Chief  
Enforcement and Compliance Assurance Branch  
Waste, Pesticides and Toxics Division

Enclosures

cc: Harry Sarvis, OEPA  
bcc: Reginald Pallesen, U.S. EPA Reg 5

